ARRAIGNMENT

AND

TRYAL

Of the late REVEREND

Mr. Thomas Rosewell,

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HIGH-TREASON;

BEFORE THE

Lord Chief Justice Jefferies, at the Court of King's Bench, Westminster, in the Year 1684. And the ARGUMENTS offer'd in ARREST of JUDGMENT by his Learned COUNCIL.

To which is Prefix'd

An Account of his LIFE and DEATH.

Publish'd by

SAMUEL ROSEWELL, A.M.

Nec praetermittenda est famosa illa, atrocitate rei notissima, & per omnes sere pervulgata, in Rose wellu M. Criminatio; qui laesae majestatis salso insimulatus; &, subornatis Testibus, Capite damnatus, tantum non Martyris gloriam consequebatur.

Vindiciae Fratrum Diffent. Auftore Ja. Piercio.

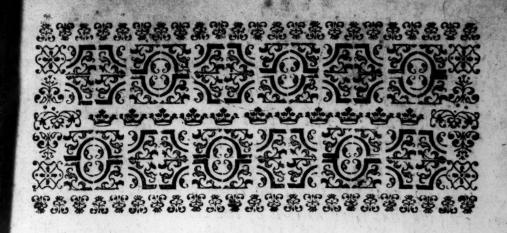
Mr. Rose well a Nonconformist Minister — was indicted in 36 Car. II. for Words spoke by him in a Sermon. — It was a Prosecution carried on through the Violence of those times, and generally detested. He was convicted; but on Cooler Tho'ts, &c. — Indoment was arrested, and Mr. Rose well was discharg'd.

Lord Harcourt at Dr. Sacheveres's Tryal. Folio. p. 119.

LONDON:

Printed for JOHN CLARK, at the Bible and Crown, and RICHARD FORD, at the Angel, both in the Poultry. 1718.





PREFACE.



HE Publication of the following Tryal has been long desired. Mr. Rosewell himself was averse to it, during his Life, tho' much sollicited to Publish it: But consented his Friends should do with it, as they might think best, after his

Several Things have concurr'd to prevent Death. its appearing sooner; with which I need not trouble the Reader. It is not doubted but that it will be acceptable to many as late as this. It was taken in Short-hand by Mr. Blaney, who was the most noted Man in those Times for his Dexterity this

Way. And he that peruses the Tryal will conclude, that he was not only an Expeditious, but a Judicious Scribe: And yet it does not pretend to be Perfect; tho' perhaps it is as near being so, as most things of this Kind. Some Persons who were present on that Occasion, do recollect here and there a Passage that were miss'd by the Amanuensis. But it is more to be wonder'd at, that he should furnish us with so much, than that some things should be wanting. A considerable Part of the Copy had been Transcribed for my Lord Chief Justice Jesseries, and at his Command. And it has been observed, that in that Part of it especially, a great deal of his Scurrility has been left out.

THE Argument insisted on by Mr. Rosewell's Council, in Arrest of Judgment, has been accounted by some good Judges very considerable; and therefore some Gentlemen of the Long Robe may possibly think it worthy of their Perusal.

They who read the Tryal, and the Memoirs prefix'd to it, will judge whether the Au* Vol III. thor of the * Compleat History of England, has not given too loofe and general an Account of it; when he says, "One Mr. Rosewell, a Dissenting Teacher (and in the Margin, Dissenting Teacher convicted of Treason) had been Arraign'd on the 25th of October at the King's-Bench Bar, upon an In"distment of High-Treason, for endeavouring to stir up His Majesty's Subjects to Rebellion, by

" inciting them thereunto in a Sermon at a Con-" venticle in Rotherhith, with Seditious and Trai-" terous Words against His Majesty's Royal Per-" son and Government: And being brought to his " Tryal on November the 18th, was found Guilty " of High Treason." It were to be wish'd, that when he had said this, he had done Mr. Rosewell the Justice to have intimated (what every Body was sensible of then) how much he was injur'd and abus'd in that Matter. But one cannot but conclude from such a Representation, that the Historian was willing Posterity should believe the Disfenting Teacher was Guilty of the High-Treason laid to his Charge. Indeed we have a larger Account * afterwards, transcribed from Dr. Calamy's Abridgment of Mr. Baxter's Life: But that is introduced in this Manner. " In Mat-" ters of Religion, the Dissenters complain of great "Persecutions, and give this Tragical Account of their Sufferings." Now I think this will appear to have been a great Persecution; and what gave just cause of Complaint: And that if a True Account be given of it, it must be a Tragical one. But there is a certain turn in those Words, that seems design'd to invalidate the Credit of the transcribed Relation. The Reader may observe what a different Account is given of it by my Lord Harcourt, and Others; if he'll please to turn to the End of the Life.

IT may be proper to signific that at this Time, Sir George Jefferies, was Lord Chief Justice.

iv The PREFACE.

Sir Robert Sawyer, Attorney-General.
Sollicitor-General.
Sir Thomas Jenner, Recorder of London.

I leave it to the Reader to make what Remarks he fees fit on the Conduct of the Judge &c. He cannot but observe my Lord's great Partiality, even while he profes'd himself altogether Impartial. The Witnesses on the one side were encouraged to say what they would against the Prisoner, how foreign soever to the Matter charged in the Indictment: While Mr. Rosewell was not allow'd to produce any thing in favour of himself, but what must immediately relate to the time specify'd in it. They meet with all the Tenderness and Encouragement they could Wish for: But his Witnesses are all along roughly used and brow-beaten. When my Lord comes to sum up the Evidence, how much does he insist on that could serve no other Purpose than to incense the Jury against the Person accused? And the Con-clusion of his Discourse to them, is wonderfully fitted to serve such a Design. But these, and other things of this Nature, will offer to every One that peruses the Tryal.

I KNEW I should please several of Mr. Rose-well's Friends by prefixing the Memoirs of his Life; and hope they contain an Account that will not be unprositable: I have therefore willingly been at some Pains to compose them. He kept a Diary for many Years, written very neatly, and in exact Order; but being in Short-hand, we can reap no Advantage from

from it. His Sermon-Notes (which were very many) were written in the like manner; and are of no farther use than to make it appear that he took a great deal of Pains in his Preparations for the Pulpit. A great Number of his Intimate Friends have enter'd into Eternity since his Death: From many of whom, had they been now Living; as well as from his Diary and Notes, and some other Papers, if they were legible; plentiful Materials might have been had for the present Design. The First Part has been Enlarged by the help of a short Account transcribed by himself in Long-hand: In the Additions that are made to it, I hope there are no Mistakes; I am sure there are no Wilful ones, and I think there can be none very Material. The whole is included under the following Heads:

- J. An Account of his Birth, Parentage, Education; and Life, to the Time of his being Seized, and Imprison'd in the Gate-house.
- II. THE manner in which he was Seized;
 His Imprisonment; his Arraignment, and
 Tryal; and several other Things relating
 to These.
- III. Some brief Memoirs from the Time of his being Discharged from the Gate-house. His last Sickness. His Death, and Funeral. His eminent Piety, and Usefulness. A Description of his Person: And the Testimonies of several Authors of Note, and of diffe-

vi The PREFACE.

rent Perswasions, concerning him and his Tryal.

I SHALL no longer detain the Reader from the Perusal of the Account it self, than to wish it may tend to his Advantage and Pleasure; and to desire his Prayers.

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SAMUEL ROSEWELL.

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LIFE and DEATH

Of the late REVEREND

Mr. THOMAS ROSEWELL,

Minister of the GOSPEL

AT

Rotherhith, in SURRY.

WHO

Dyed February the 14th 1691-2, in the LXII. YEAR of his Age.

By Samuel Rosewell, A. M.

Vita Mortuorum in Memoria Vivorum est posita. Cicero Philip. 9112.

LONDON:

Printed for JOHN CLARK, and RICHARD FORD. M DCC XVIII.

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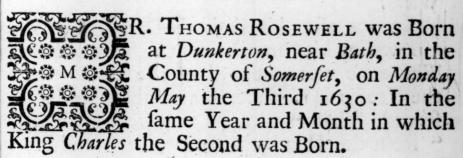
LIFE and DEATH

Of the late REVEREND

Mr. THOMAS ROSEWELL.

CHAP. I.

Containing an ACCOUNT of his BIRTH, PARENTAGE, EDUCATION; and LIFE, to the Time of his being seized, and Imprisoned in the Gatehouse.



He was the only Son of Richard Rosewell of Dunkerton, Gent. and of Grace the Daughter of Mr. Thomas Melborn, of the same Place. By which Marriage the two Families were united, which had divided the Estate of Dunkerton betwixt them. This Richard was the Son of William Rosewell, (whose Father was Thomas, both of Dunkerton) and of Caecilia, Daughter

of Anthony Codrington of Dodington, Esq;.

Mr. ROSEWELL (who is the Subject of these Memoirs) had an only Sister, younger than himself, whose Name was Grace. She was Married in the Seventeenth Year of her Age, to a Worthy and truly Pious Minister, Mr. Thomas Creez; then living in their Neighbourhood. Their Mother died in Child-birth of her; and their Father continued a Widower till the day of his Death, which was in November 1640. So that Mr. Rosewell was about ten Years and an half old when his Father died: Who left him and his Sifter, under GoD, to the Guardianship of their Uncle, Mr. James Rosewell. Their Father had left them a plentiful Fortune; but great waste was made of it, during their Minority: And, as poor Orphans frequently are, they were Sufferers many Ways.

SOON after his Father's Death, Mr. Rose-well was by his Guardian sent to School at Bathe. There he was taken ill of the Small-Pox, in the Year 1641. concerning which he has observed, That "it was a very gentle Visitation "from the Hand of a loving God and tender

" Father;

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" Father; and that after it, he grew more "Vigorous and Healthy than he had been " before." Upon which he adds, " Bless the LORD, O my Soul, who renewed thy Youth as " the Eagle's." Here he continued some time; and made a confiderable Progress in Learning; till the Civil Wars began to Rage: And the King's Army taking that Garrison, their School was broke up, and the Youth were scatter'd. This occasion'd his returning to his Guardian-Uncle: About this time, travelling a little from Home, he accidentally faw King Charles the First, in the Fields, sitting at Dinner under a Tree, with some few Persons about him. This made fuch deep Impressions in his young and tender Mind, as disposed him to the greater Compassion and Loyalty towards that Unhappy Monarch.

HE continued with his Uncle till the Year 1645, at which time he fent him up to London, in order to his being put to some Trade. But the All-wise God, (says he, in some Remarks upon it afterwards) " all whose won-" derful Providences towards me, I have still cause humbly and thankfully to admire and

" adore, had otherwise determined it."

To London he came June 12. 1645. (two Days before the famous Battle at Nafeby) and was placed in the Family of one Mr. Thomas Ashley, an Acquaintance of his Uncle, in Trinity-Parish. This Mr. Ashley and his Wife were very tender of him, and carried it towards him as if they had been his Parents.

HERE

HERE Providence cast him under the Mihistry of that excellent and laborious Minister Mr. Matthew Haviland; a Man mighty in Prayer, and a very ferious and affectionate Preacher; who was afterwards ejected from this Parish. Under his Ministry, it pleased God to give him some sense of his lost Estate and Condition by Nature; and of the Remedy by Grace; when he was about Sixteen Years of Age. "So that (fays he) if ever the LORD wrought that new Life in me " (which I humbly trust he has) I may call " that Worthy Man, under " God (as Cy-" prian did Caecilius) Novae Vitae Parentem. " He begot me thro' the Gospel". And after having mention'd this, he adds, " shall never forget the Instructions he gave " me afterwards, when I was going to the "University: Amongst others, that whatever " Books I read, I should be fure to read and " study the Bible well [That Book]. The Rea-" fon he gave me, was because he observed " many young Preachers when they came " from the University, shew'd sometimes a " great deal of Learning in their Sermons, but " little Scripture apply'd to it; which he did " not like. God make me a Scriptural Prea-" cher! adds he.

BEING at London, he spent some time with an Accomptant, in order to sit him the better for a Trade; and was afterwards put to a Silkman in Cheapside. Upon this Occasion, he takes notice of the Over-ruling Providence of the Allwise

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wise God; who (he concludes) had ordained him from his Mother's Womb to be a Minister and Preacher of his Word: Which his Father also, before his Death, had ever desired, and design'd him for. About this time, a violent Rheum fell into his Eyes, and made them fo tender, that the Colours of the Silk were very offensive to them; and the Loss of his fight was greatly fear'd: So that he was quickly taken off from that Business. This might be occasion'd by a hurt he had received some time A Boy throwing a Stick with full force into his Face; the End of it struck him just in the Eye; wounded it much, caus'd it to fwell, and for a time deprived him of Sight. This feems to have caus'd a Tenderness in his Eyes that continued to this Time. and grew worse upon his poring so much on the Colours. Indeed the fame Providence might. have discouraged his Application to Books: But being taken off from Business at present; and by the Use of proper Means his Eyes growing better, and his fight Stronger than before; and his Genius inclining him to Study; that Affliction, which for the Time could not be joyous but very grievous, issued in his Settling to that Work, in which he was eminently useful; and which was very much the Delight and Pleasure of his Life. And it is remarkable that his Sight continued Strong and Good to his Dying-day. How Natural is it for a Man to conclude, when he is suffering in so tender a Part, and like to lose so

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dear a Sense, that this must needs be against him? And yet how admirably did a Wise and Gracious God cause this to tend to the Patient's future Satisfaction, and greater serviceableness; and to the Benefit of many Souls! And how many Important Turns of his Life depended

on this Circumstance!

UPON this he was invited by his kind Landlord to his former Quarters: Where he continued, improving part of his time in hearing Lectures (then very frequent in London) and in some Private Studies till the following Year, viz. 1646; when his Uncle came up to London again; and then conferring with some Relations about him, viz. Dr. Humphrey Chambers, Minister of St. Stephen's Walbrooke; and Mr. Walter Rosewell, then Minister in Fridayfreet: They advised him, by all Means to put his Nephew forward in his Learning, as a neceffary Qualification for the Ministry; which he did accordingly. Several Years after this, Mr. Rosewell records, "I well remember my " Cousin Rosewell's Argument to me. " he had infinuated somewhat of the several " fnares of a Trade, he told me, as a Minister, " your constant Work every Day in the Week " will be to study to do Go D's Service. This " Saying of his, I bless God (adds he) took " great Impression upon me; and was often a great comfort and encouragement to me in " my Work." Presently after this, his Uncle committed him to the Care of the Religious and Learned Mr. Thomas Singleton, then Master

of the School in St. Mary-Ax: Under whose Instructions he made great Proficiency. And had a particular Interest in the Affections and Care of his Worthy Mafter: Of which he retain'd a grateful Sense to the last Period of his Life. He speaks of this in the following Words. " His great Love, and Care of me " I can never forget while I have a Memory.

" I may truly fay of him- * Sub haud * Liv.

" paenitendo Magistro servivi." His early

" Prayers with his Scholars, and his diligent Instructions, were good Examples, and great Helps to them. Out of his special Care, and Respect to Mr. Rosewell, he was wont to spend fome vacant Hours with him to instruct him in the Hebrew-Tongue, when others were at their Diversions: By which Means he arrived to a great Skill in that Language, which he increased and cultivated for some time after he went to the University: Where he and a young Gentleman his Kinsman, [William Collins, Esq;] who was a very good Hebrician, were wont to read a Hebrew Chapter together every Morning, and to confer about it to their Mutual Advantage; till the immature Death of that young Gentleman put an end to their concurrence in this Study. Long after this, I find him expressing himself to this Purpose: " I bless God and thank my wor-" thy Master (who was then living) for what " knowledge I have in the Hebrew Tongue—

" (-Purius ex ipso fonte-) which hath

been a great help to me in my Ministry.

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WHEN he was about leaving Mr. Singleton's School, he met with great Discouragements from defigning the Ministry. Satan, he fays, fet upon him with all the Suggestions and Temptations imaginable to deterr him from it; that he was even bowed down under the Weight of them; and struggled with them fo long as that his Bodily strength was greatly impaired. But Goo at length carried him triumphantly thorough all; infomuch that he went on with the more vigour and chearfulness afterwards. To Him (fays he,

upon that Occasion) be all the Glory.

HE was moved from under Mr. Singleton's Care; and enter'd into Pembroke-College, Oxon, in the Month of March 1647. under Dr. Henry Langley the Pious and Learned Master of that College: Who had a particular Inspection of him while he was there; which was till the Year 1652. Here he apply'd himself close to his Studies; and it has been observed of him by some of his Contemporaries there, that tho? he would fometimes readily give into a defign of purfuing fome innocent Diversions; yet when the time came to execute it, they could feldom find him at leifure; and it was with much difficulty that they perswaded him out of his Study upon fuch Occasions. His Friends generally conclude that he took his Degree of Master of Arts while he was here: But having no Vouchers at hand (this Matter occurring too late) no farther notice is taken of it. He has recorded several Instances of Gop's

Go D's Goodness to him during his abode at Oxford; particularly of Recovery from Sickness, which he mentions with great Thankful-

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In the Year 1652, he was invited from Oxford by Councellour Doddridge (a valuable Person, sometime Recorder of Bristol) to undertake the Tuition of his Nephew, the Son of John Lovering of Exeter Esq; but then liv. ing at Ware near Bediford in Devon; where he continued with much Satisfaction on all Hands, till towards the next Spring: When taking a Journey to Oxford; before his Return, he was, by an unexpected Providence, call'd to a People by the Lady Hungerford of Corsbam (or, Coffam) in Wiltsbire: Who after the Death of the former Incumbent [Mr. Woodward] presented Mr. Rosewell to the Rectory of Rhode in Somerseisbire; he being recommended to her by his Kinsman, Dr. Chambers; to whom her Ladiship had written to direct a Minister to her for that Place.

THITHER he first went to Preach, on May 29. 1653; and there (as he records) in the very Morning of his Ministry, the Lord was pleased to give him very great encouragement, from the People's ready and chearful attending upon it; not despissing his Youth (tho' the first Month of his going to them he was but 23 Years of Age; and succeeded an ancient and grave Minister) But received him with all Love and Kindness; and were satisfied with, and rejoyced in, his endeavours to serve b 2 them.

them. He was wont to reflect on this when advanced in Years with much affection to that People; great Pleasure in himself, and Thankfulness to Go D.

AFTER a full Year's Probation amongst them, he was ordained for them, on July the 20th, 1654. at St. Edmund's Church in New Sarum (together with Dr. Martin, who was sometime Preacher at St. Mary-Overy's in Southwark, and two more) by the Impolition of the Hands of Mr. John Strickland the Minister of that Church; and Mr. Peter Ince of Dunhead, who then Preached an excellent Sermon on Ezra 7. 10. For Ezra had prepared his Heart to feek the Law of the LORD, and to do it; and to teach in Israel Statutes and Judgments. Some other Wiltsbire Ministers were likewise engaged on that Occasion. On this Mr. Rosewell remarks, "God made it a good Day " to my Soul; to whom be still the Glory! " Amen".

SOMETIME before he was fettled at Rhode, he had lodged with his Brother and Sifter Creez at their House at Combhay, some few Miles from his Parish. The great and mutual affection there was betwixt his Brother and Sifter, and himself; and some other Conveniencies inducing him to continue there, he was obliged to Ride much; particularly betwixt Rhode and Combhay: In which Journeys (as in others) he had many fignal Deliverances. I'll mention two or three, out of those that he has recorded.

FAN

JAN. 22. 1654. Between Rhode and Combhay (at Twinney-Ford) leading his Horse upon a narrow Bridge (about a Foot breadth) over a great Flood or Stream, which he could not then pass thorough for the Depth: The Bridge being slippery, his Horse fell backward into the main Stream. He observes upon this that it was a great Mercy, the Horse fell not forwards upon him; or that (this being so sudden and unthought of) himself was not pull'd into the Flood, having the Bridle in his Hand; and adds, * He sent * Pfal. 18.16. from above, and deliver'd me out of

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great Waters .- Bless the LORD, Oh my Soul.

THE very next Day [January 23.] having been abroad to visit some Friends, and going home towards Mr. Creez's, being overtaken with the Night, and riding very swiftly in a plain Place, his Horse stumbling upon something in the Dark, pitch'd directly on his Forehead, and in a Moment turned over upon his Back, broke his Tackling and lamed himself: But casting his Rider on one side, he had no other Hurt than a bleeding Nofe. The next Morning when he went to look the Crupper that was broke off with the violence of the Fall, he faw the Print of the Pommel in the Ground, and found the Crupper in the Place. "It was a Wonder of Mercy (fays he) " that this being done in an In-" stant, the Horse had not fell upon me and " crush'd me under him. Now blessed be b 3.

* Psal. 91.11. "God for this! - * He shall give his Angels charge over thee to

" keep thee in all thy Ways.

AGAIN, March 3. 1655. As he was Riding between Lavington and Combhay (near Heddington) unawares his Horse pitched into a Mire, and sunk almost up to the Breast; threw his Rider over his Neck; and plunging to get out, trod upon his Coat, between his Arm and his Body; and by that means recover'd himself without any hurt to either. "It was a "wonderful Mercy (fays Mr. Rosewell) that

" he had not trodden upon my Body; or funk

* Pfal. 40. 2. " me in the Mire. * The LORD
deliverd me out of the mire, and did

" not let me sink. He brought me up also out of the miry Clay, and set

-69. 14. "my Feet upon a Rock, and established my Goings; and hath put a new Song

" into my Mouth - Even Praise to my GOD.

In November this Year [1655.] he was seized with a very fore sit of Sickness, which brought him even to the Gates of Death; of which he was not recover'd till towards the Spring; when the Lord was pleased to restore perfect Health and Strength again. He has made large mention of this, and is very thankful to God for the Mercy.

Soon after his Recovery [on May 29, 1656.] he was married to Mrs. Susannah Strickland, then in the 20th Year of her Age. Who was a very Beautiful and a Religious Persor; and whom God made a meet help and an agree-

able

able Companion to her Yoke fellow. She was the Eldest Daughter of Mr. Strickland (who had ordained Mr. Rosewell not long before) and of Susannah, Daughter of Sir Tho. Piggot, Knight.

MR. STRICKLAND was Descended from an ancient Family in Westmoreland. Had his Education in Queen's-College, Oxon; where he took his Degree of Batchelor of Divinity. He was an Eminent Divine, and One of the Assembly at Westminster; an excellent Expofitor and Casuist; and frequently Preached before the Long Parliament. After he had been ejected from St. Edmund's Parish in Sarum, on the fatal Bartholomew, he continued amongst his People and Preached to them as he had Opportunity till the time of his Death; which was very remarkable. It happen'd on a Lord's-Day Evening (October 1670.) after he had preached twice and administred the LORD's Supper: His Text that Day had

been -* An Entrance shall be mi-

nistred to you abundantly into the ever-

lasting Kingdom of our LORD and Saviour Jesus Christ. Suddenly finding himself out of order, he spoke of it to some Persons about him; sate down in a Chair and presently died. Some of the ignorant Zealots said it was a Judgment upon him, for not having pray'd that Day From sudden Death, Good LORD deliver us *. His Name is remember'd with great

Respect

^{*} Undoubtedly it was a great happiness to so good a Man as this, (whose Soul was prepared, and his House set in Order)

Respect at Sarum; where he lies Buried in that which had been his own Church.

By this Marriage Mr. Rosewell had three Daughters, viz. Susannah, Margaret and Elizabeth : Of the last of them the tender Mother dyed in Child-bed after she had been married near five Years. This was a very afflictive Stroke to Mr. Rosewell; and a great Loss to his Children: who were not with standing all of them well Educated, and Married during their Father's Life, and with his Approbation. The Eldest dy'd with her first

Child, in the 22d Year of her Age.

THIS Marriage occasion'd Mr. Rosewell's Removal from Rhode; but very much against his own Inclination. Mr. Gabriel Sangar (A Relation of Mr. Creez's; and afterwards Minister of St. Martin's in the Fields) was willing to refign his Living at Sutton-Mandevile in Wiltshire to Mr Rosewell. His Father-in-Law was very follicitous about the Matter; and did earnestly importune him to quit Rhode, and accept of this; because it was a more considerable Living, and nearer to Salisbury. With great Reluctancy he complies; and first went thither in May 1657. The Form of his Admission to this Place is drawn upon Parchment (with the common Seal affix'd) in the following Words, viz.

der) to dye in such a manner as he did. And, methinks, nothing is more reasonable, than that Motion of the Ministers at the Savoy Conference, that than Expression of [fudden Death] in the Litany, should be changed into [dying fuddenly and unpreparedly.

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KNOW ALL MEN by these Presents, That the Twelfth Day of November, in the Year 1658, there was exhibited to the Commissioners for approbation of Publick Preachers, a Presentation of Thomas Rosewell Clerk, to the Rectory of Sutton-Mandevile in the County of Wilts, made to him by his Highness Richard Lord Protector of the Common-wealth of England &c. the Patron thereof, under the great Seal of England; together with a Testimony in the behalf of the said Thomas Rosewell of his holy and good Conversation. UPON Perusal and due Consideration of the Premises, and finding him to be a Person qualified as in and by the Ordinance for Such Approbation is required: The Commissioners above mentioned have adjudged and approved the said Thomas Rosewell to be a fit Person to Preach the Gospel; and have granted him Admission, and do admit the said Thomas Rosewell to the Rectory of Sutton-Mandevile aforesaid, to be full and perfect Possessor and Incumbent thereof. And do hereby signify to all Persons concerned therein, that he is hereby entituled to the Profits and Perquisites, and all Rights and Dues incident and belonging to the said Rectory, as fully and effectually as if he had been instituted and inducted according to any such Laws and Customs as have in this Case formerly been made, had or used in this Realm. IN WITNESS whereof, they have caused the Common Seal to be hereunto affixed, and the same to be attested by the Hand of the Register, by his Highness in that behalf appointed. Dated at Whitehall, the 12th Day of Novemb. 1658.

Jo. NyE, Register.

MR. ROSEWELL observes, that he had never that Comfort in his Ministry in all his Time at Sutton-(which was about five Years) which he had had in one Month amongst the other People, who rejoyced in his Ministry, and highly effeemed him; and so had engaged bis Affections to them. And he was so affli-Aed afterwards for deferting them thus, that he fays upon that Occasion, "I would never "wish any Minister in the World to remove " from a People for a Temporal Interest only; " and unless the Spiritual Part do preponde-" rate and weigh it down. Let them look " to a just and clear call in all their Motions; " or else they may taste by sad Experience

" (as some have done) the bitter Fruits of do-" ing otherwise".

MANY of his Parishioners were very Ignorant; and others of them Morose and Illnatur'd. I'll just stay to mention an Instance of each. A Carpenter, who was apply'd to by the Collectors, for Money for the Minister; asked them, what He wanted Money for. They reply'd to buy Books &c. Books! fays he; ha'nt he got a Teesmon? (so he express'd it, meaning a Testament.) What need has he of any more Books than a Teefmon? Mr. Rofewell meeting him foon after with a Sack of Tools upon his Back, enquir'd of him what he had got there. Tools to Work with, fays Nay Neighbour, replies Mr. R. Have you got a Rule? What need have you of more than a Rule? Some of the other fort, that I men-

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ention'd above threatned him that a Gibber hould be fet up at the Porch of his Church. r the Door of his House, and he hanged upon for Preaching on Ezek. 21. 27. I will Overurn, Overturn, Overturn, and it shall be no more ntil he come whose Right it is, and I will give him. Mr. R. had been Educated in Prinples of true Loyalty. He was greatly affeted with the Case of King Charles the First nd did highly esteem the Monarchical Form of Sovernment, as it is in England. These things nade him more free in expressing his Sentinents during the Usurpation than were conistent with his Safety: And for these Reasons he was wont for feveral Years to observe the oth of January, and the 29th of May: The One as a Day of Humiliation for the Murder of King Charles the First, which he always abtorr'd as a vile, detestable Act; and the more o for some particular Circumstances which he had heard, did attend it. The Other as a Day of Thanksgiving for the Restoration of King Charles the Second; which he look'd upon (as Multitudes of his Brethren, and many other wife and excellent Persons did) as a great Mercy; and the rather, because it was effected in such a Quiet and Peaceable manner. But it was not Mr. Rosewell's Lot only, but that of many besides, who rejoyced in he King's Restoration to suffer grievous things in the ensuing Part of his Reign. At length taking notice how much the Obervation of these Days was abused; what vile

and malicious Falshoods were vented from the Pulpit, and how much the Innocent were mifrepresented, and vilify'd at these Seasons; for many Years before his Death he defifted from observing them in Publick.

HE exactly concurr'd in Judgment and Pra-Aice with reference to these Things, with that Wife and Good and truly Wonderful

Man, Mr. Philip Henry; in whose *Life the following Passages are Edition 2d. recorded. † " For some Years af-+ Page 16.

" ter King Charles II. came in, he " observed the yearly Day of Humiliation for

" this Sin, [the Murder of King Charles I.] " defiring that God would not lay the Guilt

" of Blood to the Charge of the Nation : But

" afterwards, finding to what Purpose it was

" generally observ'd and improv'd, even to

" the reproaching and condemning, not only " of the Innocent, but some of the excellent

" ones of the Land; and noting that there is

" no Precedent in Scripture of keeping annual

" Days of Humiliation for particular Sins,

" after the immediate Judgment is *Zech 8.19. " at an end, * he took no further

" Notice of it: But, in his Diary,

" he adds this tender Remark, (ac-

" cording to the Spirit he was of,) + Rom. 14.6. yet good Men may, no doubt, + ob-

" serve it to the LORD. Thus he judged

" not: And why then should he be judged?"

page 44. And again, "He was a hearty Well"wisher to the Return of the King

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ng nd and was much affected with the Mer-" cy of it. While others rejoyce carnally, faith . he, LORD, help thy People to rejoyce spiritually. "in our publick National Mercies. 'Twas upon " that Occasion that Mr. Baxter preach'd his " Sermon of Right Rejoycing. But he, and " others, foon faw Cause to rejoyce with trem-" bling, and to sing both of Mercy and Judgment. "Religion loses Ground exceedingly, and " Profaneness gets it! Help Lord! — His " Sense of that great Mercy of GOD to " the Nation, in the unbloody, peaceable " and legal Settlement of King Charles the " Second upon the Throne, was the fame " with that of Multitudes besides, both Mi-" nifters and others, that were the quiet in " the Land, who yet not long after fuffer'd " very hard things under him". And again, " He joyn'd in the Annual Comme-" moration of the King's Restoration, page 64. " (and preached on Mark 12. 17. Render to Ca-" far the Things that are Casar's.) Considering, " faith he, that it was his Right; also that " fad Posture of the Civil Government thro' "Usurpers; and the manner of his coming " in without Bloodshed: This he would all " his Days speak of as a National Mercy; But " what he rejoyced in with a great deal of " trembling for the Ark of GoD".

I HAVE been so large on this, because frequent mention is made of these Things in the Tryal. And Mr. Rosewell's Judgment and Practice having been thus; It will not be thought

impro-

improper for him, to have pleaded it as he does, upon that Occasion: And I the rather infift on it, that the World may observe how much our Fathers and our felves, are abused by some wicked Incendiaries, who delight in Calumny, and have no Regard to Truth. I have also another Reason: and that is to let some few Persons (of a very different Stamp from the Former;) see, that tho' Mr. Rosewell's Sentiments did not accord with theirs, in Matters of this Nature; yet he was far from being Singular herein. I am forry to find that some of these few Persons are as free in censuring and condemning; and as fevere and affuming in their Invectives against those, who according to them, are not Orthodox in these Points of Politicks: as any of the High-Church Adversaries can be upon the other Occasion. But why should they thus uncharitably judge those who were as Wife and as Good men as themselves? And ought they not to consider, that there did not near so much of the secret Histories of these Two Monarchs appear in those Days, as the World has been acquainted with fince? For these Reasons, it is hoped the Reader will excuse this (otherwise too long a) Digresfion.

WE left Mr. Rosewell at Sutton; where his greatest Encouragement was by some Christians who came from neighbouring Places, and diligently attended his Ministry in all Weathers; tho' this did not recommend them at

all to some in his own Parish.

HE Records feveral Deliverances God vouchfafed him while he was here. I shall

mention two or three, and pass on.

MAR. 18. 1659. Coming home from Sarum to Sutton, between 10 and 11 at Night, in Fovant-field, where there was an Hedge newly fet up; as he was riding with full speed (because so late), and not aware of the Hedge; the Horse pitcht full upon it with his Fore-feet, and stuck fast in it; threw his Rider quite over into the other side; but neither hurt him, nor staked himself. "Blessed be God, says he, "for this Deliverance. Thou, O LORD, preservest Man and Beast.

JAN. 17, 1659. Coming over the Downs, his Horse sell into a great Trench of Snow that was very Deep. Threw him off upon the Top of the Snow without any Harm. By God's good Providence the Snow was so hard frozen, that it bore up the Body of the Horse, his Legs only sinking in; and Man and Beast

got fafely out.

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JAN. 7. 1660. As he was going to Patney to Baptize a Child, he was benighted on the Downe, and it grew very dark. He lost his Way, and wandred up and down a great while. At length it pleased Godin his Providence so to direct his Horse, that he brought him unexpectedly within a Mile of the Place. In this Solitude, he says, God was pleased to give him many sweet, reviving Thoughts of himself. * When I am in darkness, * Micah 7. 8. the LORD will be a Light unto me.

FULT 8. 1661. As he was coming down from his Chamber, upon the Top of the Stairs his Foot flipt, and he pitch'd forward upon his Head down Stairs, and turning clear over, came with his Feet to the Bottom; broke the String of his Shoe with the violence of the Fall, and bruised his Hip a little against the Edge of the Stairs; which was all the Hurt he had. "Blessed be Go D, says he, for his Preser-" vation in fo dangerous a Fall". The LORD

upholdeth all that fall. * When I said * Pfal. 145: my Foot slippeth, thy mercy, O LORD,

14. held me up.

A T Sutton he continued five Years and three Months, till Bartholomew-Day 1662, when he was ejected thence. Some of his Parishioners (who were of different Principles from others mention'd before) were endeavouring to have had him removed the Year before, under pretence of his not complying with the Ceremonies &c. But God disappointed them, when they were attempting it, and he lived to fee them dye, and go off the Stage in difgrace, before his Work was quite done there. He was wont to observe that Go D did remarkably Plead the Cause of three other worthy Ministers in the neighbouring Parishes, who met with great Opposition from some unreasonable and malicious Men: Particularly in the Parish of Dunhead, where there were four or five dreadful Examples of the Vindictive Justice of God upon the Opposers and Despisers of that Holy Man and Worthy Minister,

Minister, Mr. Ince. Some of which are recorded in the Second Book of Prodigies. The Truth of them Mr. R: was wont to say he was able to attest; and could have added more to them in the neighbouring Parishes, of which

he was an Eye-witness.

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HAVING no Opportunities at present to exercise his Ministry, he rode about the Countries to visit his Friends. It is his own Note; " This Summer, between May and October, I " travelled to and fro near a Thousand Miles; " in twelve feveral Counties. In which Jour-" neys I had abundant Experience of Goo's " great Goodness and Mercy in continuing " health and strength, and vigour of Spirits " to me; in preserving me out of the hands " of violent men; in giving me to find " grace and favour in the eyes of his People. " Many dear Friends, his Providence brought " me amongst; some of whose Faces I had " not seen in many Years before : And many " Favours and Kindnesses I received amongst " them, through the good hand of my Go D " upon me. Great satisfaction I had in some " concernments, I could not be fatisfy'd in " for twelve Years before. Now bleffed be " the LORD, who let me live to this Time; " who hath magnify'd his Mercy towards " me. Bless the LORD, O my Soul, for this; " and all that is within me bless his Holy Name!

WHEN he was visiting his Friends, he went to Corsham to pay his Respects to the good old Lady Hungerford, his first Patroness: Who then

then very kindly invited him into her Family. This was in the Year 1663. He accepted the Invitation; and continued there above feven Years, with much favour from her Ladyship; and a great deal of love and respect from her Family, which usually consisted of betwixt twenty and thirty Persons. There were two or three fwearing and drunken Servants for fome time, who affected him the less, because he was wont to reprove them faithfully for their Sins. " Amongst whom (fays he) one " of the chief of them went to cast some of "the blackest Filth that ever was thrown " upon me in all my Life before (May 1. 1664.) "But the All-wife G o p made it like " the mud of Oysters to me, rather to scour " than defile; and by degrees (as he faw best) " wip'd it off; and hath let me out-live both " it and him. To him be all the * Prov. 9. 7. " Praise. * He that rebuketh a wicked man, getteth himself a blot. But tho' 15. 12. + a Scorner loveth not one that re-25. 12. proveth him; yet ‡ as an Ear-ring of Gold, and an Ornament of fine Gold; so is a wise Reprover upon an obedient Ear. My Lady Hungerford was a truly Religious Lady: But the Best have their Failings. Mr. R. had observed somewhat in her Conduct, that he thought his Character obliged him to take notice of to her Ladyship. This he did in such an humble, prudent manner, and at fo fit and proper a Season; that her Ladyship having retired for some time into her Closet:

Closer; came out and brought Mr. Rosewell a Bag in which there was an Hundred Pounds: The one half of it she gave him for his own Use; and the other to dispose of in Charity,

as he should see fity in Tommus TAH

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It used to be observed of him that he was a hard Student during his Abode here. And he was many ways useful in the Family. He was Tutor to Sir Edward Hungerford's Son, a young Gentleman born to a plentiful Fortune. He was wont to perform Family-Prayer; and to preach in the House on some Part of the LORD's-day; and to Catechife Servants &t. on a Week-day. But he constantly attended, with the rest of the Family, on the Publick-Ministry; There being at this time a pious, worthy Minister in the Parish [Mr. William Thompson, Senior] who did usually preach twice every LORD's-day. He would often complain to Mr. Rosewell of the Burden of the Ceremonies; and told him he was drawn in by a meer wheedle of the Bishop to conform, before he was aware. He meant Dr. Pierce, the Bishop of Bath and Wells; who in the days of Archbishop Land, thank'd God he had not one Lecture in all his Diocess.

HE has gratefully recorded several Deliverances from Sickness and other Dangers, during his continuance at Corsham: Where he was till May 1671, when he removed from thence, notwithstanding my Lady's earnest Desire, and Importunity with Tears to him to stay; wishing he would do so till her

Death; which happen'd the very next Year; when his Removal appear'd to have been very much to his Temporal Disadvantage and Loss.

THAT Summer, in which he left Corsbam, proved a very hot one; and Riding up and down the greatest part of it, his Blood was so inslamed, that at the close of it he fell into a violent Feaver, which made him light-headed for several days together; and at length left such a disorder in his Head and Spirits as caus'd a deep Impression of Melancholy for a considerable time after.

DURING this Difpensation, in the Year 1672. he was by a Letter from the young Gentleman invited into the Family of Mr. Grove, at Fern in Wilts; where he continued till towards the end of that Year, which he fays was the blackest Year that ever he had in his Life: But by the Company, Converse, Counsel and Prayers of that holy, humble and learned Gentleman Mr. Thomas Grove, and Mr. Ince Minister there, he was much supported and strengthned. But did after regret that he went into fuch a Family in the Circumstances he was then in; meerly because he thought himself render'd unfit thereby, in a great measure, for Conversation and Usefulness.

His Distemper of Melancholly continuing, he was the next Year, by a wonderful Providence, thro' the means of Mr. Paul of Bristol, a worthy Minister of Christ, directed up to

London,

London, to Dr. Luke Rugeley; with whom Mr. Paul had been not long before; and had received great help from him, when he was funk very deep in that Black Sea, as he was wont to call it.

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To him Mr. R. went in the beginning of October, who received him into his own Family; and was not only a Physician, but like a Father to him; letting him have the best Chamber in his House for his Lodging; and commanding his Servants to shew all possible respect to him. This seems to be the right Way of Cure which this Prudent Doctor used; and not to deal so rigidly and roughly as some are apt to do with Persons in these Circumstances: Requiring the same Tale of Bricks when they have not the Straw as before: And tho' they themselves would never propose to have the same Work done by their wounded Hand, as when it was whole.

By the Blessing of Heaven upon the Doctor's Prescriptions, in about 6 Weeks time, the black and heavy Clouds were dissolv'd and scatter'd. He was won't to say the Doctor was to him (under God) as Luke the Beloved Physician, a Physician to Body and Mind.

I FIND a Letter of his to his Dear Brother Creez, at the end of this Dispensation: Admiring the Conduct of God in it; and expressing the most grateful Sense of the Divine Goodness in his Deliverance. It is as serious and spiritual a Letter as ever I saw in my Life; that I could hardly forbear transcribing

it, but that it is very long. Among many ex-

cellent Expressions, there is this: "I would " fain be at my Master's Work again, which " is fweeter to me now, I hope, than ever it was. If I could, would preach the Souls " of all that ever shall hear me into heaven---" Mentioning some Person in this Letter who feems to have had special Opportunities for acquainting himself with the then-state of Affairs, he fays, " he could give me no en-" couragement at all from what he hears; " but that our best way will be to prepare " to fuffer for the Cause of Christ; and in-" deed all things here are full of Clouds. The " LORD fit us to fuffer the Worst here, and

" for ever".

H E continued with Dr. Rugely till the Month

" enjoy the Best at last; and we are safe

of February. I who we make all and or slogging

In the Beginning of March following, upon my Lord Wharton's Request, he went to dwell in his Family. In this Month died that Faithful Servant of Christ Mr. James Janeway, Mihister at Rotherhith in Surry. He had formerly been a Student of Christ's-Church, Oxon. When he left the University he lived privately, till the Times growing more favourable, he fet up this Meeting at Rotherhith: Where he foon had a very Numerous Audience; and a great Reformation was wrought amongst many of them. But this fo enraged the High Party, that feveral of them threatned to shoot Mr. Faneway; which was attempted accordingly. As he was walking

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walking once on Rotherhith-Wall, a Fellow shot at him, and the Bullet went through his Hat; but as Providence order'd it, did him no further hurt. The Soldiers pulled down the Place in which he preached, which obliged his People to build a Larger to receive the Hearers. Soon after this New Place was built, there came a Number of Troopers to it when Mr. Janeway was Preaching there, and Mr. Kentilb fate behind him in the Pulpit. The Troopers alighting from their Horses, came into the Meeting-House, and crouding into the midst of the Congregation, they got up on a Bench or Form, and cry'd out aloud, Down with him, Down with him! at which Moment the Bench on which they stood, broke; and all of them fell down. While this occasion'd some confusion, Mr. Janeway came out of the Pulpit; and some of the People having thrown a colour'd Coat over him, and put a white Hat on his Head, he pass'd through them unobferv'd. But they feized good Mr. Kentish, and carried him to the Marshalsea; where he was kept Prisoner for some time. At another time, Mr. Janeway preaching at a Gardiner's House, feveral Troopers came to feize him there. They were diligent in Searching for him; but he laying down on the Ground, his Friends cover'd him with Cabbidge-Leaves; and fo he escaped them. He was a man of eminent Piety; an affectionate Preacher; and very useful in his Station: But lay under some Clouds of Melancholly in his last Sickness. He died March 16. 1673-4. MR.

Mr. ROSEWELL being at his Funeral, met with his Friend, Mr. Andrew Parsans (amongst many other Ministers.) Who heartily wish'd Mr. R. might be Mr. Janeway's Successfor among that People; which he then little minded, being a perfect Stranger to all of them: But Mr. Parsons acted so in the Business, unknown to Mr. R. that the following Month (April 12.) he was desired to Supply a LOR D's-Day in the Vacancy; which he did.

On May 5th following, 1674. He was chosen by that Congregation to be their Pastor. Having that very Morning, (as he remarks) not knowing what they were about, begg'd of God in more Solemn extraordinary Prayer, that he would dispose of him there, where he might have fuch Work and Imployment as to do him most Service. My Lord Wharton was defirous he should go with him to his Country-House in Bucks. And at the same time, a Gentleman who lived within twenty Miles of London, came with his Coach to my Lord's, to carry him to his House, in order to the fettling him at another Place. " But the All-" wife GOD (fays Mr. R.) who worketh all " things according to the Counfel of his own " Will, had appointed neither of These: But " chose otherways for me in answer to Pray-" ers, both mine own, and the People's; fe-" veral of whom came that very Evening to " acquaint me with what they had done." " indeed chose mine Inheritance for me". Which

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ch as was the Text preached upon by the Reverend Mr. Thomas Case, on a solemn Day that was kept for him by Mr. Case, Mr. Watson, and Mr. Stubbs, when he went down to that People after their Choice of him.

IT was observable, that the Congregation pitch'd upon those Persons who had been engaged in the Int'rest of another worthy Candidate, to carry Mr. R. the News of his being chosen; and to invite his Acceptance. And Mr. Atkinson (who has always been, and fill continues a very useful Member of that Congregation) told Mr. R. in the Names of the Rest, that tho? they had given their Votes for another, yet the Majority falling on him, they came to own him for their Pastor. To which he reply'd, he defir'd to know none of em by any fuch distinctions; but to spend and be spent for the Good of Souls. This may afford a worthy Example to other Congregations: For undoubtedly that which was the Practice of this good People in these Circumstances (I mean, the smaller Number's consenting with the Majority) is the Duty of others in like Cases; as might be made to appear from manifold Confiderations. But to proceed, there was fuch a delightful Harmony betwixt them afterwards, and both Minister and People had so great Satisfaction in each other, that feveral Years after Mr. R. writes thus. " I have often thought and faid, that if " when in the Country, God had bid me " go up to London, and choose what People

"then known what I have known fince, I would have chosen this very People before any other in London, or about it; mine In heritance assign'd to me did please me so much. God has done all things well". And this he saw occasion to declare sometimes from the Pulpit. It was the Character of Rotherhith-People, that they were a loving People; and the mutual Affection betwixt their Minister and them arose to a great Degree on both Sides. Happy Pastor! Happy Flock; where this is the Case!

I FIND in a Letter written to Mr. Creez, the following Passages. " I thought I might " have been with you about this time; But " the Over-ruling Providence of GoD, hath otherwise disposed it at present; having " call'd me to a great People near this City: " which was the Flock of that Eminent and " Faithful Minister of Christ Mr. James Jane. way, who was buried the fame Week with Mr. Venning. This Providence is remarkable " in many Circumstances of it. I was not " known to any one Person among them: " But thirty Days before their Choice, was " call'd to preach to them one LORD's-Day " upon a Vacancy; and that led to what fol-" lowed. So that I had no Int'rest in them, " nor Party among them: As some others had, " who were eager Competitors for the Place, 44 and fought it; Taller than my felf by the "Head and Shoulders. That my Way and " Call

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Call is the more clear and comfortable. The Congregation is great, confifting of near two thousand Auditors, as computed. They are a very fober and civil People of the middle fort; and these usual ivay salfortas. The Place where my Lot is fallen among this People for Meeting and Habitation (which stand pleafantly together with Garden and Walks near the open Fields) is called Salisbury (being the Land and Buildings of the Earl of Salisbury) by Rode-roth, vulgo Rodriff. I doubt not but your active Fancy will remark upon this Compellation. My Call thither in some Circumstances is much like that to Rhode". Which he proceeds to take particular notice of. No Minister in the World could have greater affection for any Peole than he had for These Two. He proceeds h his Letter " fo that you now fee my Call and my Charge. And I am fenfible as the one is very fignal, so the other is very great : And therefore see what need I have of the Prayers of my Friends; and I do (my Dearest Brother) earnestly beg and entreat yours, fervent and frequent, for me, that I may have Strength from Go D, fuitable to the Work he calls me to, and that both in Body and Mind; and an Increase of all ministerial Gifts, Graces and Abilities, that may furnish me for the Work, and make me more abundant therein to the Praise of his Glory, and the Good of Souls; and that I may come among this People in the Ful" ness of the Bleffing of the Gospel of Christ. Oh!

" will you improve and enlarge This in Prayer for me! We have great Liberty here yet,

" Bleffed be God. I should be glad to hear

" how it is in the Poor Country" .--- This

Letter is dated May 23. 1674.

HERE he had very great Encouragement and Comfort by the People's diligent and chearful attendance upon his Ministry: And by the mutual Labours of his dear Brethren Mr. Chefter, Mr. Vincent, Mr. Carstake, Mr. Mad. docks; and afterwards Mr. Adams, Mr. Miles, &c. in their constant Association for their Monthly Fasts before the Sacrament; Besides other Extraordinary Occasions. These Fasts were wont to be attended with great Solemnity. The feveral Places which were generally large, were usually crouded. And there seem'd to be an eminent Effusion of the Spirit of Go D upon Ministers and People. I have heard several observe of Mr. R. that he used to be greatly affected and enlarged at fuch Seafons. Many Souls have reap'd great Advantage by these

Solemnities. Mr. Baxter records a memorable Instance of this * in the History of his Life. "One of those that

"Swore against me (fays he) went to Rother-

" hith to Mr. Rosewell's Church, where a Fast was kept. Where hearing three Ministers

" Pray and Preach, his heart was melted; and

" with Tears he lamented his former Course, and particularly his accusing me. He seem-

" eth resolved for a new Reformed course of Life,

Life; and is retired from his former Com-

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HE was wont very heartily to blefs God for the Acquaintance he had with these Minilers; for his Conversation with them, and the Love he had from them. " With whom (fays he) I hope to be for ever, where we shall " never part, nor fin more". He was also highly pleased with the Weekly-Lectures of Reverend Mr. Kentish, once his Fellow-Colleague in the University; whom a kind Providence call'd to be his Fellow-Labourer in this Place, for many Years together. Nor was he at any time more in his Element, or enjoy'd himself in an higher Degree, than when the Morning-Lecture was at his Place; which he always took Care to have well fupply'd; and which was no where better attended than there. Many remember what joyful Seafons these were to him; and how greatly he was pleased with these Opportunities of hearing his Brethren preach, and of conversing with them. When he was joyning in Prayer upon thefe, and fuch-like Occasions, he used to express his Hearty Concurrence by an articulate but unaffected repeating his Amen.

HERE he was used to Preach twice on a LORD'-Day to a full Affembly; of which fome have observed that it consisted of more Men than Women. An Observation that can be made but of few Congregations, either in the Parish-

Churches, or in the Meeting-Houses.

He was wont to entertain his People with the most weighty Subjects; and by infisting on Faith and Repentance, and the Great Duties of Religion (the Doctrines taught by Christ) he preached Christ; as well as when he insisted on his Mediation, his Incarnation, his Death and Sufferings, and the bleffed Fruits and Ef fects of These, which he did very largely, and particularly, in a Course of excellent Sermons on the Sacrament Days, when he went through feveral Chapters of the Canticles: Which Sermons he was very much follicited to Print; but could not be prevail'd with to do it. Thus, I fay, he preached Christ Jesus the LORD; according to what he once pleasantly reply'd to one who asked him, whether he preached himself that Day? He answer'd, No. not himself; but Christ Jesus. And which

In the Beginning of October 1674, he began the Exposition of the Bible among them in a Publick Exercise before Sermon on the LORD's Day. Which God was pleased to succeed in fo fignal a manner, that he was ready to conclude he did more Good this Way, than by Preaching. Indeed he had an excellent Talent for it, and took particular Pleasure in this Work. But then he was wont to take Time for it too; And when he found the Expolition was fo acceptable, and ufeful to his Hearers; he would frequently, at length, make it the Morning's Work; omitting the Sermon, that

he might have Time and Scope for it.

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of Sin they had Lived in long before. Others were wont to fay they understood many Things they were ignorant of to that time. And Mr. R. was told that some were wrought upon to Conversion. "For which (fays he) let "God have all the Glory". There are many serious Persons to be met with now, who will give large Accounts of these Expositions; and discover how well they were instructed and profited by them, by the Understanding they have in the Scriptures, and by having retain'd much of these Things through so many Years.

HE was wont also to Catechise the Children; but greatly complain'd, that some of the Youth of his Congregation were backward to this

Religious Exercise.

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AFTER his Settlement here, he was Married to his fecond Wife. She was the Widow of Mr. Godsalve, and Daughter of Andrew Wanley of Ayford, in the County of Gloucester, Gent. and of Anne his Wife, who was a very Prudent and Religious Gentlewoman. He had made some Overtures for Marriage to this Daughter of theirs before the was engaged to her first Husband. But he observes upon it, God faw fit to deny the Mercy then, and grant it fince; who makes every thing beautiful in its Season; and reserved her as a Blesling for him, and his Children, to whom, he lays, she had been the best Mother-in-Law that ever he knew in the World; and a true and tender

tender Yoke fellow to himself; unweariedly helpful to him in all his Troubles. He was married to this Gentlewoman in Jan. 1676. in the 36th Year of her Age, and the 46th of his own. He had Four Children by this Marriage, viz.

SUSANNAH; who dying young, we may give this true Account of her; that the was a very beautiful Person, and one who

fear'd the LORD greatly.

SAMUEL; who being his First-born Son, he devoted him to Gop with earnest desire that he might serve him in the Ministry. And having asked him of God with that defign, he gave him this Name; of which he gives the following Account. " Samuel, asked of " the LORD, q. d. Shaul-me-el i. e. petitus à " Deo, I Sam. i. 20. contracte Shameel, vel She.

" mo-el i. e. posuit eum Deus" &c. RHODA; whom he fo called out of affeation to his People at Rhode; and in allusion to

the Name of the Parish. And

ELIEZER, i.e. the Help of my Gon or my God an help. Being born soon after his discharge from Prison. This Child, he fays, was his Fellow-Prisoner, in the Prison-

Chamber; and as being then Unborn.

HE was wont to worship God in the pub lick Meeting-House as long as he could : and afterwards in private Houses every LORD's Day, notwithstanding the Conventicle-Act. He was under strict Obligations to Preach the Gospel; and knew it to be his Duty to obey GOD

rather

to Preach in private; as many of his Brethren did: And in this, they imitated the Primitive Christians, who were wont to hold their Worshiping Assemblies in Private; when it was not Safe for them to meet, upon such Occasions, in Publick. But in the Discharge of his Duty,

he met with great Opposition.

A LITTLE before he desisted from Preaching in the Meeting House, several Officers came thither in the time of Worship; and commanded him in the King's Name to forbear, and come down. He desir'd they would have Patience till he had finish'd his Message from the greater King, and he would obey them; or to that Purpose. But they repeating their Command, and an Uproar being made in the

Place, he retired.

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Soon after he begun to Preach in Private, a Justice of Peace, who then lived at the Bridge-House, came with his Officers and seized all his Goods, when Mr. R. was from home, and sold them at the Door. The Justice went into his Study, and finding in a Drawer a small Parcel of Money, put it in his Pocket and carried it off. He took also a very neat Knife, Fork and Penknife that he found there; but restored them again upon some Persons taking notice of it to him. Where he met with any thing that he seem'd to have a Mind to secure for himself; oh! this was too good for them. While the Justice was employing himself in this manner, a great Number of People gather'd

ther'd about the House; Upon which, apprehending Danger to himself, he turn'd very Pale; and feem'd to be fainting away; when he ask'd for somewhat to Drink: And indeed, it was well there was any thing left for him; for his Attendants having regal'd themselves, were letting the Remainder run about the Cellar. When Drink was brought him, he would not touch it, till one of the Family had been his Taster. His Carriage was so insolent, and his Tongue so abusive, that this provoked a Zealous Neighbour (who flood by and observ'd him turn Pale of a sudden) to say, GOD will smite thee, thou whited Wall. When he first went into the House, he was very forward to have shown his Warrant; But there being none but Women in the House, they took no notice of it: At length some Friends coming in, Mrs. Rosewell defired a Gentleman to inspect the Justices Warrant; but then he absolutely refused to shew it; faying, his Presence was Warrant enough. He had been looking over Mr. Rofewell's Letters, &c. and found by these his Name was Thomas; whereas he was call'd in the Warrant Theophilus Rosewell: And for that Reason he then refused to produce it.

THE Expectation of such Disturbances as these had occasion'd the Removal of the Best Books in his Study, and the most valuable of his Houshold-Goods to a Relation's House in the City; and while they were there, a dreadful Fire happen'd, by means of which he lost

them all.

Bur notwithstanding these Molestations, he proceeded in his Ministerial Work, and continued his Exposition; one while in the Meeting House, and at other times in Private Houses, for near ten Years: And enjoy'd such a measure of Health and Strength, that he was very feldom absent from his Congregation in all that time: No more than one LOR D's-Day (when he was somewhat indisposed) in fix Years of it. Being shorter in his Expofitions, when he first began that Work, he had very near gone over the Bible in that time. He then usually read two Chapter's on a LORD's Day, one in the Forenoon, and another in the Afternoon; Besides the Psalms intermixed, which he was going over the Third time. And two Chapters on a LOR D's-Day compleats the Bible in ten Years; there being in all 1039 Chapters in both Testaments; and in ten Years 520 LORD's. Days; which being doubled (in the Chapters) make 1040. Allowance is to be made both for Chapters not read, as in Leviticus, Chronicles, Genealogies &c. and for Days of Absence. He began October 3d. 1674, and read till September 14. - 84. Having the Spring before begun Genesis (which he omitted at first) he was that Day come to the 20th Chapter, about Abraham and Abimelech King of Gerar; which false Witnesses wrested for Evil; and procured (by Sir Thomas Jenner, the Recorder of London) the Lord Chief Justice's Warrant to take him up; which accordingly was done d 2

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on the 23d Day of that Month; and here his

Work was stop'd.

HAVING mention'd the False-Witnesses, the Reader may possibly be curious to know how they came to be prefent at fuch a Meeting as this, where it must be suppos'd some Caution was used with respect to those who were admitted. As to this, they acted cunningly enough; and like those who are Wife in their Generation. They had sometime before found out the weakest Man in all Mr. R---'s Congregation, [G - St -] and convers'd with him in fuch a manner as to make him conclude they were better Persons than they appear'd to be afterwards. Having thus got some acquaintance with him, they came to him and told him, they knew him to be a very good man; and that he would lose no Opportunties for attending the Worship of God; which They too should be very glad to do; and defired he would carry them to the Meeting. This he readily undertook to do. And when he came to the House where the Meeting was, told Mr. Paul Shed, who kept the Door, that These were his Friends, and very good People; and that they must be admitted. How they perverted what Mr. R. delivered in the Exposition and Sermon will appear at large in the Tryal.

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CHAP. II.

Containing an ACCOUNT of the Manner in which he was seized. His Imprisonment in the Gatehouse. His Arraignment; Tryal; And several other Things relating to These.

R. ROSEWELL feem'd to have fome Presages of his approaching Trouble. He had a little before infifted largely on that Portion of Scripture. * Rev. 2. 10. * Fear none of These Things which thou shalt suffer. Behold the Devil shall cast some of you into Prison that ye may be tryed, and ye shall have Tribulation ten days. Be thou faithful unto Death, and I will give thee the Crown of Life. And thus he Commented on the Words; The Devil, (i. e. By his Instruments-) shall cast some, (not all) of you, into Prison; that ye may be tryed; (not that ye may be destroyed.) And ye shall have Tribulation ten days, (not for ever.) Ten days; there's a limited Time with the Holy One for the Sufferings of his People. Discoursing with some of his Friends that very Day on which the Informers were contriving Mischief against him; he observed that They (at Rotherhith) had enjoy'd their Publick Opportunities, and now their more private Ones, for a longer time than their Neighbours on the other Side of the Water; meaning at Wapping &c. but d 3 fays

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fays he, the Tail of the Storm will fall upon us. It is observable, that Mr. Rosewell was not taken up 'till after the next LORD's-Day following that whereon he was accused to have spoken the Words in the Indictment: He therefore preached that following LORD's-Day, as ufual; and knew nothing what was transacting against him. But whereas he was wont to be very chearful at those Seasons; that Day he feem'd to be somewhat dejected. Which one of his Friends taking notice of to him; he fignify'd; that he was very apprehensive that he should foon be removed, either by Death or into a Prison. Which latter happen'd prefently after, in the manner following.

EARLY in the Morning, September the 23d 1684, hearing a Noise about his House, he got out of his Bed, and opening his Windows, found his House beset on every Side. A Servant going down Stairs open'd a Garden Door, at which Atterbury, the Messenger, and some of his Attendants (who had broken down the Garden Pales) fprung in, and following the Servant up Stairs, made diligent fearch at the Top of the House. Coming down one Pair of Stairs, he brake Open the Door of the Room in which Mr. Rosewell was wont to lodge; and feeing him in it, ask'd if Mr. Lobb was there. Mr. Rosewell told him, No. Atterbury then inform'd him that he had my Lord Chief Justices Warrant to seize him [viz. Mr. R. And in a little while took him out

of his House; and with as much Privacy as

could

could be, carried him by Water, thro' Bridge, to the Three Cranes; and from thence to a Coffee-House near to Aldermanbury, where Jefferies lived. He was detain'd here for some time; and at length had before my Lord Chief Justice, who received him like a roaring Lion, or a raging Bear. Now he was first surprized with his Charge; the Information being read to him in the Presence of Jefferies; Who asked him if he had not Preached the 14th of September at Mr. Weldy's House. Mr. R. told his Lordship he had not. He then demanded where he Preached. Mr. R. observing several Persons about him, answer'd very modestly in Latin, that he hoped his Lordship would not insist on his answering that Question; for by that means he might accuse himself, which he thought no Man was obliged to do. Jefferies flew into a violent Passion upon this, and told him, he supposed he could not speak another Sentence of Latin if it were to fave his Neck. Mr. R. would not directly give him the Lye, and therefore thought it more civil to answer in another Language, and for that reason reply'd to him in Greek. The Judge feem'd to be Thunder-struck upon this; but presently in a violent Rage, and in a great hurry call'd to the Messenger to take him away, without giving Direction whither he should go. He was carried to a Publick-House somewhere near Temple-Bar; and kept there under a Guard for many Hours. While he was there, two Persons, who afterwards appear'd to be Graham d 4 and

and Burton, came several times into the Room, look'd upon Mr. Rosewell, and withdrew. But having made fome enquiry (as was supposed) they came to him at length, and told him, they could not have thought that he was the Prisoner; for he did not look like a man that would be guilty of Treason. Mr. R. reply'd, that he was not guilty of Treason. They then asked him, what he was. He told them, A Minister. A Minister! fays one of them, Are you an ordained Minister? Tes, (returns Mr. R.) I am ordained. But were you Ordained, fays the other, according to the Custom of the Church of England? To which Mr. R. reply'd, I was ordained according to the Rule of Goo's Word; and very much to my own Satisfaction. Here they kept him till between 11 and 12 a Clock at Night (tho' they brought him out of his own House soon after six in the Morning) At which time came my Lord Chief Justice's Order for the Committing him to the Gatehouse. Thither he was convey'd; and some of his Friends attended him. They went together into one Common-Room, but were presently told that none of them must stay with him. Mr. R. desired his Friends might see where he was to be confined; but that was refused. And as soon as they were dismiss'd, he was carried there. Chains were to have been put upon him; but this was bought off with Money. It was one of the first Requests he made to God in the Prison, that he might be interested in the Prayers of Good People; and

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and this was abundantly answer'd to him, as we shall have Occasion to observe anon.

WHILE he was treated in this manner, fome of the Informers went to the Persons at whose Houses the Meeting had been the Two last LOR D's Days; and told them, that their Parson was taken up, and would be Drawn, Hang'd and Quarter'd; and out of great Tenderness to them, advised 'em by all means to withdraw; for otherwise they would soon be feized Body and Goods. Every one will fee into the Villany of this; and that if they had gone off, it must have made worse for Mr. Rosewell. But God inspir'd them with so much Resolution and Courage that they told the Informers, They would not stir from their Houses; but would wait there to receive any Summons from above.

MRS. ROSEWELL, with other Relations, went the next Morning after her Husband's Commitment to enquire after him: But they were not permitted to speak with him, or so much as to fee him. Nay, the Officers about the Prison would not acquaint her where he was. She begg'd they would let her know whe. ther he was above, or under Ground; but was told, They must give her no Information. She was check'd for walking about the Palace-Yard, and looking with a Sollicitude to fee him; and was threatned that that would be to her Husband's Disadvantage. Upon this she petition'd my Lord Chief Justice, that she might have Leave to go to him. Her Petition was in the following Words.

"To the Right Honourable the Lord Chief
"Justice of ENGLAND.

"The humble Petition of Ann Rosewell,
"Wife of Thomas Rosewell.

" Most humbly Sheweth,

"HAT your Petitioner's Husband was
"Yesterday committed to the Gatebouse
"by your Lordship's Warrant of Commit"ment; and that your Petitioner went this
"ther, being desirous to see her poor Hus-

"band; but was answer'd by the Keeper,

" that without an Order from your Lordship,
"Your Petitioner could not be permitted to

" fee her Husband.

"Your Petitioner therefore humbly implores your Lordship to be so favourable to her,

as to grant her your Order to have Per-

or without a Keeper, as your Lordship

" (ball Think fit.

"And your Petitioner shall "ever Pray, &c.

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WHEN She presented this Petition, Jeffery's treated her very roughly; call'd her Hulband a great Knave, a great Villain, with other Expressions to that Purpose: And told her she might go and Petition the King, and see what he would say to it; tho' it was in his Power to have granted her Request. She took

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ook the first Opportunity, and deliver'd a Petition into the King's Hand, as he fate at he Council-Board. The King read the Petition (whereas he generally over-look'd things of that Nature) and faid to my Lord Chief lustice, who was then near him, if he tho't well of it, that Woman might go to her Hufand in the Gate-House. Mrs. Rosewell waited on Jeffery's soon after this, and reminded him of what the King had graciously faid. He sk'd her in a great heat, how he should know hat to be true. She was happily provided with a Certificate from the proper Officer; which she deliver'd into his Hands. But he revented her going to her Husband for feveal Days after this. Ten Days he was there vithout seeing any of his Relations or Friends; which he was wont to fay were his Ten Days ribulation; alluding to the Text he had infiftd on not long before.

THEN Mrs. Rosewell was admitted; and one but she till after his Arraignment; which was more than a Month from the Time of is Commitment. The Children went with heir Mother, but were stopp'd at the Door; nd not permitted to go near their affectionate ather. He was also deny'd the use of Pen nd Ink for a considerable Time; but that was ranted at length upon his Petition for it. When his Friends were allow'd to be with im, it was always in the presence of one of he Keepers; before whom he told his Chilren when they first visited him, that they

should

fhould not be ashamed of his Chain. Nor had they any reason to be ashamed of it; tho' they

could not but be greatly afflicted for it.

BEFORE this, he had, at a confiderable Expence, been removed out of a very disagreeable Place, into a more convenient Apartment: By which means he became Neighbour to Mr. Foseph Hayes, who was there a Prisoner, under pretence of his being guilty of High-Treason It was at this Time reported by them who thirsted for Blood, that Mr. Rosewell and Mr. Hayes should die together: * But it was up on good Grounds believ'd, that the happy Deliverance of Mr. R. did much contribute to the Preservation of Mr. H. and no Body knows how many more. They were not allowed to come together; but Mr. H was wont to throw pieces of Tobacco-pipe against Mr. R's Casement as a signal, that they might converse a little from their Win dows. At which Times he was wont to defin Mr. R. to pray for him; faying, he knew no what they would do with him.

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THERE was a very ignorant Cook-maiding the Prison, who observing Mr. R's solitarine during the Time that his Friends were refused Admission to him, would come frequently to his Door (which was always lock'd by the Keepers, who kept the Key) and call out

^{*} There is a mistake with reference to this in the Ne Martyrology, p. 407. that Author asserting, that the Deverance of Mr. Hayes did contribute to the Preservation Mr. Rosewell; whereas Mr. R. was tryed first.

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"for the LORD's sake, Sir, don't be afraid, "don't be melancholy; for all will go well." Not that he was so; for he would often bless God for his Prison-Comforts; and frequently said, that he had more delightful Communion with God, during that Consinement, than he had had in all his Life before: And that he would rather choose his Imprisonment-Troubles, than be without that refreshing Intercourse he had with Heaven there.

the Quarter-Sessions at Kingston upon Thames; he was carried to the Bar of the Court of King's-Bench, and arraigned there on October 25, 1684, and his Tryal follow'd on Tuesday, November the 18th, when all the Judges of the Court were present. In the Morning before his Tryal, his Friends had provided for him a Glass of Sack and a Toast: But he resused it, saying, He was wont to take nothing better than a Dish of Coffee, when he was going about much greater Work; when he was to speak to Men for God: Whereas now he was only going to speak for himself to Men.

As foon as my Lord Chief Justice was set on the Bench, he observed Mr. Wallop (who was afterwards one of Mr. R's Council) was in the Court: Upon which he call'd out to him, and ask'd him what Business he had there. Mr. Wallop told him, that he was come out of Curiosity to hear the Tryal; and moved himself at a greater distance from the Bar. But my Lord bid him be gone out; and told him

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the Court should not proceed while he was there. Upon this he was obliged to with draw.

THREE Women were the King's Evidence; Two of whom were Common Informers a. gainst Conventicles; laden with the guilt of many Perjuries, which had easily been proved upon them, before the Tryal, could Juffice have been had; but they were screen'd by the Recorder, who had laid the whole Scheme of this Business; and patch'd up the Indictment in his Way, and indeed in his own Words. I find this Note written with Mr. Rosewell's own Hand, " I am well affured the Recorder of " London hath been the bloody Contriver of " all this from first to last." The Witnesses were wont to make their publick Boasts, that they could go to the Recorder's, and be entertain'd there when-ever they pleas'd.

Besides the Account that Sir John Talbat gave of Hilton at the Tryal; his Lady had told Mrs. Rosewell (amongst other Things) that she had married a very honest Man, and one who had been a good Servant (the Cook) in their Family: And that upon some slight Provocation, she one Day took him up in her Arms (he being light in Person) and laid him on the back of the Fire, where he had been inevitably burnt, had not some Persons, standing by, immediately pluck'd him out At another Time she took a great Knise, and cut the Veins of his Wrist in such a Manner,

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that he died of the Wound. My Lady also told Mrs. R. that the Wretch had been hang'd for another Crime, could sufficient, legal Evi-

dence have been had.

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Mr. ROSEWELL's Friends were furprized at — Farrar's appearing as a Witness against him; for they had heard nothing of her till then; and so were not prepared to Object against her, as they did against the others; which my Lord Chief Justice was pleas'd to remark to Mr. R's disadvantage. None of them could recollect, that they had seen her at the Meeting; but all supposed she had been taught her Lesson afterwards.

MR. R. had been advised to insist on having Council allowed him at his Tryal, before he pleaded; and was inform'd, that if he did not obtain it then, it would be too late to desire it afterwards; and this was the reason why he

was fo long before he pleaded.

The Tryal lasted about seven Hours. So that, when we consider how long Mr. Rosewell stood at the Bar, and how many Businesses he had to attend to; such as, the choosing his Jury; he sifting the King's Witnesses; the canvasing the Indictment; the making his Desence; he interrogating his own Witnesses, and the emarks he was to make on the whole: And when it is also consider'd, that he was never sed to any thing of this Nature; and that a reat Part of what he offer'd must have been extempore: I say, when these Things are consider'd,

der'd, it is likely the Reader of the Tryal will conclude, that he was remarkably affifted by God. He was naturally of a timerous Spirit; but nothing of it appear'd upon this occasion. A consciousness of his own Innocency, and that special Assistance he had from God, did inspire him with great Undauntedness and Courage throughout the whole. When he had occasion to speak, it was with a manly Voice, and without any appearance of undue Concern. When he was making his Defence, he was heard by those who stood at a distance in the Hall, to repeat in a more audible Manner, and with a particular Pathon, those Words of Daniel (tho' I don't find them

Dan 6. 22. mention'd in the Tryal) — For asmuch as before God Innocency is found in me; and also before thee, O King, have I done no Hurt. The Defence he made gave general Satisfaction to all who were present. My Lord Sunderland seeing Mrs. Rosewell pass by him, upon some occasion, soon after; call'd her to him, and bid her tell her Husband from him, that he had behaved himself very well at his Tryal. Some Gentlemen of the long Robe were pleas'd to say, that it was the best Defence that any Man made of himself, in those Times.

But notwithstanding this, the Jury, having with-drawn for half an Hour, bro't him in guilty of High-Treason. Upon which Mr. begg'd of God to have Mercy on them, and added, If all these Gentlemen's Estates were

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joyn'd in one, I would not change Conditions with that Man of them, who sould posses the whole. He could not but think they had acted against their Light, after such Evidence as had been given on his behalf. There were present a very great Number of People, who generally feem'd furpriz'd at the Verdict. And a Person of Quality said, that he did not believe there were ten Persons in Court, who tho't fuch a Verdict would have been bro't in. Indeed there were fome few of another Opinion. When the Jury were with-drawing, a worthy Gentleman [a Baronet] who had been present at the Tryal, enquired of Graham and Burton, (the Sollicitors and Managers for the Court) how long the Jury would be before they return'd. To which the Sollicitors reply'd, Presently: And with such an Air, as fignify'd what fort of Verdict they expected from them.

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During the Tryal, one Mr. Pindar, a considerable Trader, was seized in Westminster-Hall, as he was waiting to hear how matters went. The occasion of it was thus; Mr. Pindar had been visited the Day before by a Relation of his, who then lived in Cloth-Fair; and who in Discourse told him he was acquainted with one of the Witnesses against Mr. Rosewell. "If you are, says Mr. Pindar, by all means advise her to be careful that she says nothing but what is true of him." It does not appear that his Friend did so much as Mr. P. advised him to; but whether he did or no;

or

or whether he imprudently took upon him to fay fomething further; the speaking those Words was the whole of Mr. Pindar's Crime. for which he was fined, imprison'd in the Marstalfen a Twelve Month, and stood in the Pillory three Times: But it was observed, that while he flood there no Person offer'd to insult

him, or throw any Thing at him.

WHEN Mr. R. was bro't back to Prison he faid to one of his Children standing by him, and weeping; " Child, weep not for me; I " have now but two Steps to Heaven, Sen-" tence and Execution." One of the Keepers of the Gate-House, who before had been less civil to him than fome of his Fellows; having been obliged to attend all Day at the Tryal; when he had bro't him back, fell a Weep ing; and faid, If he were in as good a Case as Mr. Rosewell, he should be glad to die for him. He feem'd to be as composed and fatisfyed that Evening as ever he was in his Life; and eat a more hearty Supper than ever he had done in the Prison before. He tho't he had done his Duty in afferting, and maintaining his Innocency; and that he had discharged himself as became an honest Man, at his Tryal: And having done fo, he left the Issue to GoD; and acquiesc'd in his Will.

SIR JOHN TALBOT who had been Subpana'd to inform the Court of one of the King's Evidence, and who was present all Day; tho' far from being accounted a Friend to Differters, was so moved by what he had observed

there;

there; and by what he knew of the Chief Witness; That he went from the Tryal to the King; told his Majesty where he had been, and that he had seen the Life of a Person, who appear'd to be a Gentleman and a Scholar, in Danger upon such Evidence as he would not hang his Dog on; and added, Sir, If your Majesty suffers this Man to die, we are none of us safe in our Houses. The King listned to the Account Sir John gave of the Witness, and of other Things that pass'd on the Tryal. Before he was with-drawn, Jeffery's came in, in a transport of Joy, to acquaint the King with the fignal Service he and the Surry Jury had done, in convicting Mr. Rosewell: When the King (to his great Disappointment) appear'd under some Concern; and told him Mr. R. should not die; and that he must find some way to bring him off.

This generous Conduct of Sir John Talbot has recommended him to the Esteem of many; and will add some Reputation to that honourable Name, as long as these Memoirs, and the Tryal that follows them will be read. I hear that worthy Gentleman is lately Dead; and by that means am prevented in my design of inscribing these Papers to him.

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I Must not omit what Mrs. James, hath published to the World. That she being satisfied of Mr. Rosewell's Innocence, and the wrong that was done him; went to the King and begg'd his Life; and that the King reply'd, if Mrs. James asks it, she shall have it; or to that

Purpose. e 2 Thus

Thus the Reader has the true Reason, why Jeffery's feem'd so friendly to Mr. R. and his Cause, when he came to plead in Arrest of Judgment. Which he did, when he appear'd at the Bar to receive Sentence of Death, November 24. 1684. A little before which, a Friend coming to visit him, wonder'd to find him so chearful as he was: Which occasion'd his saying; He bles'd God he was not afraid to die: For he should go off with a clear Conscience, while his Enemies were Guilty before GoD. And about the same time, he said, That if his Life might be spared, he should be thankful to God and Man: But if not, he should in a little while be removed above this wretched World. The Jury were foon under fome * Convicti-

* Mat. 27 3, ons of Guilt in what they had done:

For the very next Day after the Tryal, they invited Sir Peter Rich (who had kindly appear'd on Mr. R's behalf) to meet them at Dinner, at the Swan-Tavern in Old-Fish-Street, to consult if any Thing could be done to save his Life; for they said if he suf-fer'd, it would be very unjustly. Sir Peter told them, it was very strange, they shou'd be of fuch contrary Opinions in fo short a Time. He met them at the Place appointed, but it was not in their Power to retrieve what they had done.

In this State of his Case Mr. R. was advised to Petition the King; which he did in the following Manner.

To the King's most Excellent MAJESTY.

The Humble Petition of Thomas Rosewell Prifoner in the Gate-House.

Sheweth.

"THAT your Petitioner stands convicted of Treasonable Words, upon the Testimony of two or three mistaken Women, contrary to the Testimony of many Men, who gave Account of the whole Series of your Petitioner's Discourse; and that it had no tendency to the Matter contained in the Indictment; as may appear by the annexed Abstract thereof.

"That your Petitioner's whole course of Lise (abundantly testified at his Tryal) might reasonably have over-balanced the Testimony of those Women; your Petitioner having always been zealous for Monarchy, an hearty Mourner for the Murder of your late Father, a known Opposer of, and Sufferer under the late Usurpations, an earnest Promoter of your happy Restauration, constant in servent Prayers to Almighty God for your Preservation and Prosperity, and a steady Asserter of Obedience to your Majesty. Your Petitioner being only culpable in Nonconformity.

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"This being your Petitioner's Gase, he humbly implores your Sacred Majesty's Royal Compassion and Children by her former Husband. "And Pity to him, his Wise (now with Child) and * eight more poor Children.

" And your Petitioner (as in Duty bound)
" Shall ever pray for your Majesty.

General should peruse this Petition, before it was deliver'd; who objected against the Epithet mistaken [Women] as the that [soft] Word were too harsh for Persons of their Merit; and he struck it out with his Pen. But a great deal of Time was spent, before so proper an Epithet (all Things consider'd) was hit upon; and therefore it pass'd to the King, notwithstanding Mr. Attorney's Objection.

WHEN Mr. R. was waiting for the Officers to carry him to the Bar to receive Sentence of Death, A Bible lying on the Table, those Words were providentially turned to, and read to him, by one who stood by.

* Psal 91.14, * Because he hath set his Love upon me, therefore will I deliver him. I will set him on high, because he hath known my Name. He shall call upon me, and I will answer him: I will be with him in Trouble; I will deliver him, and honour

honour him. With long Life will I satisfie him,

and shew him my Salvation.

When he pleaded to the insufficiency of the Indictment; he was so far savour'd by my Lord Chief Justice, as that he assign'd him Council; who were, Mr. Wallop, Mr. Pollexsen and Mr. Bampsield. The two former appear'd. But Mr. Bampsield, tho' a very considerable Lawyer, was wont to give his Advice at home; and did not appear at the Bar. This is the Reason why the Reader will meet with no Pleadings of his, tho' he had been named as one of the Council.

Upon what was so well advanced by these Learned Gentlemen, in Arrest of Judgment, the Court took time till the next Term to consider of Judgment: And in the mean while, the King granted a Pardon under the Great Seal; and as soon as it was finished, His Majesty died. Mr. R. pleaded it some sew days after, and was discharged upon giving Bail; that there was no Arrest of Judgment, as se-

veral have thought.

THE Pardon is as follows:

CAROLUS secundus Dei Gratia, Angliae, Scotiae, Franciae & Hiberniae Rex, sidei Defensor &c. Omnibus ad quos praesentes Literae nostrae pervenerint, salutem. Sciatis quod nos de Gratia nostra speciali, ac ex certa scientia, emero motu nostris, Pardonavimus, remissimus & relaxavimus; ac per praesentes, pro nobis, Haeredibus & Successoribus nostris pardonamus, remietimus

mittimus & relaxamus Thomae Rosewell, nuper de Paroch' de Redriffe in Com' Surr' Clerico; seu quocunq; alio Nomine vel cognomine, seu additione nominis, aut loci, idem Thomas Rosewell sciatur, censeatur, vocetur, sive nuncupetur; aut nuper sciebatur, censeabatur, vocabatur, sive nuncu-pabatur; OMNES proditiones quascunque, unde praefat' Thomas Rosewell in Termino Sancti Michaelis jam ult' elaps', in Curia nostra coram nobis apud Westmonast' tent', convict, sive attinet' fuit; ac omnia & singula Indicamenta, Judicia, Convictiones, Condempnationes, Executiones, Imprisonamenta. Punitiones, & omnes alias paenas & paenalitates quascunque super vel versus, ipsum Thomam Rosewell, de pro, sive concernen' Praemissis, seu eorum aliquibus habit', fact' reddit' sive adjudicat'; aut in posterum habend', reddend', faciend' sive adjudicand': Nec non omnia & singula utlagar' versus diet' Thomam Rosewell ratione seu occasione Praemissorum, seu eorum aliquorum, vel alicujus promulgat', sive in posterum promulgand'; ac omnia & omnimod' sect', quaerel', forisfactur', Impetitiones & demand' quaecung, quae nos versus ipsum ratione praemissorum seu corum alicujus habuimus, habemus, seu in futuro habere proterimus; aut Haered' seu successor nostri ullo modo habere poterint in futuro; sectamque Pacis nostrae quae ad nos versus praefat' Thomam Rosewell pertinet seu pertinere poterit ratione Praemissorum, seu eorum aliquorum, vel alicujus; Et firmam Pacem nostram ei inde damus & concedimus, per praesentes. Nolentes quod idem Thomas Rosewell per Vicecomites, Justiciar', Ballivos,

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aut alios Ministros nostros, Haeredum seu successor' Nostrorum occasione Praemissorum, seu eorum alicujus, molestetur, occ'onetur, perturbetur, seu in aliquo gravetur. Volent' quod hae Literae nostrae Patentes quoad omnia & singula Praemissa superius mentionat' bonae, firmae, valid', Sufficient' & effectual' in lege sint & erint, licet Crimina & Offens' praedict' minus certe Specificat' existunt. Quodque haec Pardonatio nostra in Omnibus Curiis nostris, & alibi, interpretetur & adjudicetur in beneficentissimo sensu pro firmiori exoneratione praefat' Thomae Rosewell; Ac etiam placitetur & allocetur in omnibus Curiis nostris absque aliquo Brevi de allocatione in ea parte prius obtent' sive obtinend', non obstante Statut' in Parliament' Anno regni nostri decimo tertio fact' & edit': Et non obstant' aliquo defect' aut aliquibus defectibus in his Literis patentibus content? aut aliquo alio statuto, Actu, Ordinatione, Provisione, Proclamatione sive Restrictione; aut aliqua alia re, causa, vel materia quacunque in contrar' inde in aliquo non obstante. Ita tamen quod dict' Thomas Rosewell tal' bon' & Sufficien' securitat' de se bene gerend' ex nunc erga nos, Haered' & successores nostros, & cunctum populum nostrum inveniat qual' appunstuat' & limitat' erit per Capital' Justic' de Curia praedict' pro tempore existen': In cujus rei Testimonium has Literas nostras sieri facimus patentes, Teste meipso apud Westmonast' Vicesimo octavo die Januarii, Anno regni nostri Tricesimo fexto.

Per Breve de Privato Sigillo

BARKER.

"On the Back of it is Written as follows:

Ista Charta placitatur, allocatur & Mirrotlator de Record' coram Domino Rege apud Westm' Termino Sancti Hillar'. Anno Regni Domini Jacobi Sescundi nunc Regis Angliae & c. Primo.

Inter Placita de Termino Sancti Michaelis, Anno XXXVI. Car. secundi Regis.

Ro. CxxxIII°.

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Mr. ROSEWELL was wont to observe the Goodness of God in raising him up many Friends, during these Troubles; and that amongst Persons of the Establish'd Church, as well as Protestant Dissenters. Both did concur in Intercessions with God on his behalf; and many solemn Seasons of Prayer were observed, thro'out the Time of his Imprisonment. The Reverend Mr. Meriton Minister of St. Nicholas Cole-abby in Old Fish-street, was wont to pray for him publickly in his Parish-Church: And the Reverend Mr. Jekyll of the New Chapel at Westminster, did frequently visit him in the Gate-house, and a great Number besides.

THE Providence of GOD was very remark able with respect to his Enemies; and he was wont to take Notice of it. He out-lived the far greater Part of his Jury. One of them sent for him when he was dying; ask'd his Pardon; and desir'd him to seek Pardon of GoD for him; and to Pray with him; which

e did. It was remarkable, that this Person ad discover'd some peculiar Malignity. For ome Friend of Mr. Rosewell having told him, Mr. R. intended him for one of his Jury, execting he would do him Justice: Being at a savern the day before the Tryal; and a Genewoman sending him Word by the Drawer, he desired to speak to him: He presently oncluded (tho' it was a Mistake) that it was Mrs. Rosewell; and that she was come to speak to him in behalf of her Husband: Being very such angred by the Interruption, he said he rould be revenged on her Husband to Mortow for it. This was afterwards told by one sho was then in his Company.

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The manner in which Jefferies dy'd is geneally known. And the Circumstances in which was carried before the Lord Mayor, and afterards to the Tower of London, verify'd what Relation of Mrs. Rosewell said to her when e could not forbear discovering some Contra at his abusing her Husband in that infort manner that has been related before. Ind him not, says her Friend, you'll be able to ld up your Head with Comfort, when he will look

hus. "Having difguised and absconded himself in a little Vol.III. p.502. House at Wapping, in order to

Escape beyond Sea; as he was Looking out of a Window in a Seaman's Cap, he was discover'd by a Clerk in Chancery, that accidentally pass'd by. Whereupon he was

" imme-

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" immediately apprehended; and after a fair " Deliverance from the Mob, who would " have torn him to pieces; he was carried " before the Lord-Mayor, who fell into a Fit " of an Apoplexy, whilst he was asking him " fome Questions; and died foon after. 0 " the fame Day the Peers, affembled at White " ball with some of the Privy-Council, com-" mitted him to the Tower; where to drown " the Conscience of his Crimes, or the Cow-" ardice of his Nature, he fell to intempe " rate Drinking, which put him into a Fea "ver that took away his Life". It is further reported concerning him, that he order'd great Fire to be made, laid himself down be fore it, and drank Brandy in an excessive man ner; with a Design to hasten his Death, by heating himself within and without at such Rate as this.

SMITH, One of the Evidences against him was convicted of Perjury in the Reign of King James; and stood in the Pillory before the Royal Exchange. Hilton, the other lewd Informer was afterwards Whipp'd at the Cart's-Tail, for fome other Crime she had been guilty of.

UPON his Discharge from Prison, Mr. Roll well (as I hinted before, being obliged to it his Pardon) deliver'd in Bail for his good Be haviour during his Life, and for his Appear ance in the Court, and not to depart without Leave of the faid Court; and was Bound the Sum of 500 l. and his Bail in the Sum 2000 l. more. But he and his Sureties were after

fterwards Discharged by King James's Warant: Which runs thus; Viz.

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WHEREAS Thomas Rosewell of the Parish of St. Mary Magdalene Bermondsey, in the County of Surry, Clerk; was by our Court of King's-Bench, deliver'd in Bail for his good Behaviour during his Life; and for his Appearance in that Court; and not to depart without Leave of the faid Court; and upon that Occasion became Bound to Us, in the Sum of Five hundred Pounds. And his Bail, to wit, Benjamin Cox of the Parish of St. Martin Le Grand, London, Ironmonger. Peter Styart of Deptford in the County of Kent, Distiller; Matthew Steele of the same, Baker; William Bates of the Parish of St. Mary Magdalene Bermondsey, Grocer; James Atkinson of the same, Instrument-maker; Tho. Hudson of Rotherhith, Com' Surry, Shipwright; Robert Jones of St. Mary le Bow, London, Fruiterer; Edward Daniel of Rotherhith aforesaid, Mariner; in Two hundred and fifty Pounds apiece. And whereas we are well inform'd of the Loyalty and Peaceable Behaviour of the said Thomas Rosewell, and are therefore graciously pleased to Discharge him and his Sureties aforefaid of, and from the Recognizances and Bonds whereby they respectively came Bound to Us, as aforesaid. Our Will and Pleasure therefore is, and we do hereby Direct and Command, That you " cause

The LIFE of

" cause the said Bonds or Recognizances " be cancelled and Discharged on Record

" and the faid Thomas Rosewell and his Sure

" ties aforesaid to be clearly exonerated an

acquitted of the fame. And for fo doing

" this shall be your Warrant. Given at ou " Court at Windsor-Castle the 25th Day of Mg

" 1687. In the Third Year of our Reign.

" To our Attorney or Sollicitor Generall.

Sir Sam. Aftry, By his Majesty's Command

" Pursuant to His Maje-

" fty's Command, let the Recognizance a-

" above-mention'd be " Discharged.

T. Powys.

May 28. 1687.

Mr. Rosewell, and his Sureties Discharge.

"This is a true Copy of the Warrant for " the Discharge of Mr. Rosewell's Recogn

" zance, and of his Sureties: Which I do ce " tify that is actually Discharged. Witne

" my Hand, 1st Day of June 1687.

SIMON HARCOURT, Secondary of the Crown-Office

Godolphin.

7. Ernle.

Ste. Fox

CHAP. III.

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Containing some brief Memoirs from the Time of his Discharge from the Gate-house. His last Sickness. His Death and Funeral. His eminent Piety and Usefulness. A Description of his Person. And the Testimonies of several Authors of Note, and of different Perswasians, concerning him and his Tryal.

II E was Discharged from the Gate-house in February 1684-5. When he returned to his own House in Rotherhith, he was received by his Dear Relations and Friends, and by all his affectionate People with great Joy and many Thanksgivings to Go D. Some time was set part for more Solemn Thanksgiving by his own Family, and as many Friends as the Law would allow to be Present. Upon which Ocasion, Mr. Rosewell insisted on some suitable Portion of Scripture in his own Study: As worthy Mr. Slater had done, at some convelient Place but a little before. I have feen ome short Notes of Mr. Sl---'s Sermon at hat Time. When he is exciting his Hearrs to Thankfulness; it is in the following nanner. " First, says he, consider the Mercy it self. There's Life in it. The Life of a Brother; of a Minister; of one who has found Mercy to be faithful. A Light not

" yet extinguished, --- When there's Life in " the Mercy, there should be Livelyness in the " Heart. Secondly, Consider the Circumstances " of the Mercy. Circumstances do exceed. " ingly add to the Weight of Things-The " Time when — The Manner how — Gon " appears in the Time of great Affliction. A " Sentence of Death was pass'd on your Hopes, " tho' not on Him. God ftopp'd them. "God honours a Servant of his, when " the Enemies were reproaching him; and " now fome of These do applaud him-" At a Time when many Prayers did afcend "When his People call'd, God did answer, " We have wrestled for this with great Wrest. " ling.—No Mercy fo fweet as that which " comes on the Wings of Prayer. Thirdly, " Consider the Extensiveness of the Mercy. If "Gop had not put this Stop, none but he " knows how far they would have proceeded-" He has deliver'd and does deliver. And what

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" does Go D stop here? No. He will deliver.

" One Mercy is a Pledge of another &c.

IMMEDIATELY Mr. Rosewell apply'd himfelf to his Ministerial Work; and particu larly to the Expounding the Scriptures and Preaching the Gospel as he was wont hereto tofore: Tho' for the fake of his Bail, he was careful to keep within the Limits of the Law But as foon as the Indulgence was granted he ministred to a very numerous Congregation with great Affiduity and Diligence. He administred the Sacrament (as formerly) once

a Month to a confiderable Number of Communicants; and was on those Days assisted by Mr. Marmaduke Roberts for several Years, to the time of his Death. And as he catechised the Children on the LORD's Day; so he now began to Preach on all the Heads of Divinity contain'd in the Answers in the Assembly's Catechism, with a design to instruct the Elder as well as the Younger of his Hearers, in the Fundamental Truths of Religion. And in this Course of Preaching he had finish'd the Attributes of God when his last Sickness and Death put an end to his Ministry on Earth.

THE most Important Occurrence in this Part of his Life was the Glorious Revolution under the Conduct of the Illustrious Prince and Princess of Orange, afterwards the Great King WILLIAM and Queen MART: And no Man rejoyced in it more than he. The Agreement or Union among the Protestant Dissenting Ministers in London, was an Event that delighted him greatly; and for which he was wont to

be very thankful to Go D.

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He enjoy'd a great measure of Health thro'out this Part of his Life, till his last Sickness;
which seems to have been occasion'd thus.
Out of respect to that eminent Servant of Christ,
Mr. Baxter, he attended his Funeral; at which
he took a great Cold, which caused an Hoarsness for some time: Such, as occasion'd his
Friends to be importunate with him not to
Preach the following LORD's-Day. But
having been sometime discoursing on the Attri-

butes of God, (as was hinted before) and defigning to finish the Subject in his Two next Sermons; he was very defirous to do fo; and thereupon resolved to Preach, tho' it should be the last Time; and which he did, under the apprehension that it might be so; as it proved in the Issue. That LORD's-Day was the 10th of January, when he had infifted in his two Discourses on the Truth of God from those Words, Ex. xxxiv. 6. The LORD, the LORD GOD - abundant in - Truth. Some who were his Hearers fay, they were as excellent

Sermons as ever they heard from him. H E lay lingring for some time; and had the Advice of Dr. Sampson, and some other Physicians. His Legs fwell'd; and he had some Symptoms of the Jaundice. At length he grew Melancholly; which his Physicians were wont to fay proceeded from the Nature of his Difease. And Mr. Mead has accounted for the Spiritual Part of it in his Funeral-Sermon. Clouds and Darkness were about him for some Days. But while he was condemning himself, He would be praising Go D, and admiring his Condescension and Grace. Once bewailing that he had done no Good. A Gentlewoman present said, "Sir, I beseech you say not so. " My Husband (who was a Person of Conside-" ration) has often declared what great Benefit " he has had from your Ministrations. I my " felf have received much Information in the " Things of God, and another Life, and other " Advantages, by means of 'em. And another

" Relation

"Relation of ours who came from abroad, "has frequently blessed God for her coming to England, and sitting under your Ministry, which she acknowledges to be the Means of her Conversion". Upon which he said---- "What then, hath God made me any way

"Useful!" and express'd his Thankfulness on that Account. Many were able to testify such things as these concerning him

things as these concerning him.

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ONCE setting himself to pray in a more solemn manner in his Bed; when he had concluded, he said: If ever he pray'd in Earnest and enjoy'd Communion with Gop in his Life he had done so then.

MANY worthy Friends came to pray with him; and he was wont to rejoyce in the Opportunities, and to concur with great Serious-

ness and Fervour of Spirit.

THE Clouds at length began to scatter; and he grew easy and chearful before his Death. Gave Orders about his Funeral with great Sedateness and Composure of Mind. Being ask'd how it was with him, he answer'd, "Oh! all is well now; all is well". And frequently repeated it. He often recited those Words of holy Mr. Herbert,

Oh! Shew thy self to me! Or take me up to Thee!

Being asked where he would choose to be Buried, he at first signify'd an Indisferency about it; but soon after said there would be a glorious Resurrection out of Bunhil-Fields. He did not preserr that, as being a Burying-Place

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for Dissenters, as distinguish'd from Other Christians; but because many excellent Persons of his Acquaintance had been interr'd there.

THERE had been a great Frost for several Days, but on Feb. the 13th it thawed. When a Relation told him that it did so; He reply'd, that he should dissolve together with the Frost; and accordingly he died the next Morning at Five-o'Clock, it being the LORD's-Day, Feb. 14. in the Year 1691-2, and of his Age 62. Great Lamentations were made for him.

His Corps was carried in a Hearse to Drapers-Hall; from whence he was Buried on February 19; and many Hundreds of People attended the Funeral from the Hall to the Burying-Ground at Bun-hill. His Pall was supported by six Dissenting Ministers; Three of the Presbyterian and Three of the Independent

Perswasion.

I mention'd. The Sermon was afterwards Printed, and there is this Clause in it. "'Tho' " it is not my Custom to speak of the Dead, " yet it is Pity fo much Learning and Worth, " fo much Humility and Modesty, so much " Virtue and Grace, so much Service and Use-" fulness, such Persecutions and Sufferings for " Christ should be conceal'd; but I shall pass all this by----" Some of Mr. R's Friends were ready to wish at that time, that that truly excellent Person had deviated a little from his more usual Custom in this Instance, as he did in fome others. And a very eminent Minister in the City said some time after, He would not have defired a more agreeable Subject to have discours'd on.

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Mr. R. was a Person of extraordinary Piety, and feared the LORD greatly; was given to Prayer, and enjoy'd much Communion with GOD in that Duty. Was wont to be very frequent in his folitary Devotions; and kept up the Worship of Goo in his Family: Teaching his Children and his Housbold after him, that they should keep the Way of the LORD! And he laid up a plentiful stock of Prayers for them. Upon extraordinary Occasions relating to himself or them, he used to call them to more special solemn seeking of Go D. And it was his Custom when he Preached at home, to go from his Knees to the Pulpit; and from the Pulpit to his Knees again. Upon the Return of his Birth-Day, he was wont to fet apart iome

fome time extraordinary, for the Discharge of this Duty in Secret. He had both the Gift and the Grace of Prayer. And was mighty in the Scriptures; A large Portion of which he read every Day; and delighted to study them.

HE loved not the World; but was as free from a faulty Ambition, as any Man I have known. He never fought great Things for himfelf: And he did as much neglect and despise Riches, as Others are wont to purfue and ad-

mire them.

HE had a fincere and hearty Affection for all good People of all Perswasions. His Modesty and Humility were remarkable to all who were acquainted with him: These prevented his appearing in Print, tho' oftentimes follicited fo to do. Particularly, the Ministers did much importune him to bear a Part in the Supplement to Mr. Pool's Annotations; but could not perswade him to engage. He was wont to be very thankful to Gop for the Provifions of his bountiful Goodness: Receiving every Creature of his with Thanksgivings; but was ever temperate in the Use of them, In Agreeable Company, and among his Acquaintance he used to be very chearful and free in Discourse; But at Other times more referved and cautious.

HE was a serious, practical Preacher; and an Eminent Expositor of Go D's Word. His publick Discourses were never Crude and Undigested: But his Sermons and Expositions both, were Solid, Judicious, and always the

Product

Product of Labour and Study. They were deliver'd in a decent, graceful manner, without Noise or Flame; and yet (as the matter requir'd it) with due Fervency and Warmth.

In Preaching, he was wont to give a brief Exposition of the Proofs that he brought; which was both pleasing and profitable to a great Number of his Hearers. He was a faithful Reprover of Vice, and of whatever he thought worthy of Blame. For more Publick and Scandalous Crimes he would fometimes rebuke both openly and sharply, according to that Advice of the Apostle in the 1 Tim. v. 10. adding, He had too much Guilt of his own; and that he was refolved he would not add to the Load of it, for want of dealing faithfully with any who were a part of his Charge. Once reprehending a Friend with some Warmthand Fervour of Spirit, for his Indolence and too great Indifference in what he accounted a Matter of much Importance: His Friend (who was a Minister) demanded of him, why he was fo hot. To which he presently reply'd; Brother, because you are so Cold.

Gob had bless'd him with a good Judgment, a Tenacious Memory, a ready Wit, and a Tender Conscience with all. His Voice was very Melodious, Clear and Strong; which every one knows to have its Advantage. He was an excellent Scholar, well skill'd in the Learned Languages, and in other Parts of good Literature; and was wont to study hard to

the last.

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As to his outward Form; He was Tall and Slender; Had a Comely Aspect, with a brisk and piercing Eye: But his Deport. ment was very Grave, and suitable to his Character. It has been already hinted that he enjoy'd the Advantage of a found and healthy Constitution; not having suffer'd under one Fit of Sickness during his many Years Abode at Rotherhith, till that which put a Period to his Life. It was remarkable that to the day of his Death he had all his Teeth in his Head; and not an unfound one, till a little before his Death; when One only began to decay. He was always of a chearful Spirit, except at those Seasons (which have been taken Notice of) when some more than ordinary Disorders of Body, had clouded his Mind.

His Memory is still precious to many excellent Persons scatter'd throughout the King. dom: Not a few of whom remember feveral of his instructive Sayings, and profess to have received great Advantage from his Ministrations. Some of them ascribe their Conversion to him as the Instrument of it.

HE was succeeded in his Pastoral Charge at Rotherhith by the Reverend Mr. Samuel Stancliff, A. M. who had been of St. John's College in Cambridge; was ejected from the Rectory of Stanmore Mag. near Fdgar in Middlesex; which was a considerable Living. He was an Eminent Divine. A Man of great Sagacity and Knowledge. And had fuch an admirable Gift

Gift in Prayet, that it would have been ten thousand Pities he should have confined himself to a Book in the publick Discharge of that Duty. He died at Hoxton near London, December 12th. 1705. Leaving a good Estate to his Family.

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I FIND a MS. of Mr. Rosewell's written in long hand, under the following Title. A Memorial or Catalogue of some more Eminent and Remarkable Deliverances that God hath vouchsafed to me; which I have cause to remember to the Praise and Glory of his Goodness and Mercy; and for which I hope to praise him to Eternity. Very memorable Things are recorded in it; feveral of which have been taken notice of throughout the Course of these Memoirs: But others have been pass'd over, least I should fwell them too much. At the Close of this Catalogue he writes Thus: Many, Oh LORD my GOD, are the Works that thou hast done, and thy Thoughts which are to me ward. They cannot be reckon'd up in order unto thee. If I would declare and speak of them, they are more than can be numbred. The Good LORD pardon all my Unthankfulness for his Mercies! and grant me that one Mercy (I beg above all the World) of an humble and thankful Heart! Oh that I might go my Way and Sin no more, seeing thou, my GOD, hast punished me less than mine Iniquities deserve; and hast given me such Deliverances as these! Should I again break thy Commandments! GOD forbid.

THERE

THERE are also several excellent Letter written by him to his Friends upon particular Occasions, come to hand; in which there is much of a Serious, Christian Spirit to be observed; which I forbear to recite for the Reason mention'd above. But there is one in particular, sent by him to a good Gentlewoman upon occasion of her Husband's Death, that may be of use to many others in like Circumstances, for which Reason I will transcribe some Part of it.

THE fad News of your Husband's " Death did very much affect me -there " are many Thousands more in the World " that lie under the like Affliction; and ma " ny of them Go D's dear Servants. Do not " fay --- Never any Sorrow like unto my Sorrow which is done unto me, wherewith the LORD 56 hath afflicted me. There is no Temptation hath be fallen you, but what is common to Mankind .-"You are not alone, for your Maker is your " Husband; and one that will never, never " never fail you, nor forfake you. You are " now in the number of those, that God has " a more special Care of; as you may see in " his Word for your Support and Comfort. I " have taken a little Time to gather the Scrip-" tures into some distinct Heads, that you " may have them before you, and readily " make use of them when you please. I am " well affured, by your long Practice and Exre perience in Christianity, you know these "Things, and are established in the present

" Truth,

Truth; yet let me put you in remembrance of them. And to this End I pray consider.

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First, " THE special Promises he has made to them in his Word. Prov. 15. 25. That [He will establish the border of the Widow] the very utmost Border of her small Possession. So Fer. 49. 11. Leave thy Fatherless Children, I will preserve them alive; and let thy Widows trust in me. As if God should say [why if none will take Care of them, I will; leave that Care to me."] Tho' indeed those Words are nderstood in another Sence by many. " Now (you know and believe) a Word from GOD is a far better Portion, than all the Wealth in the World. For all his Promises are yea, and Amen, to them that believe, 2 Cor. 1. 20. i. e. They are fure. For they are the Promises of the God of Amen. So in the Hebrew, Isa. 65. 16. And not one good Word shall fail, but all be accomplished in their Season. Hath he spoken, and will he not do it? &c.

Secondly, " THE Charge that he gives to

others concerning them; And that,

"harm. That they should not afflict, nor wrong them, Exod. 22. 22. Jer. 22. 3. Ezek. 22. 7. Jer. 7. 6. Zach. 7. 10. at your Leifure.

(2.) "POSITIVE. That they should plead and provide for them, respect and honour them, Isa. 1.17. And let them share with

" them

" them in their good Things, Deut. 14. 29 " and 26. 12, 13. Deut. 16. 11, - 14. and " 24. 19, 20, 21. compar'd together with " 1 Tim. 5. 3. - 16, &c. Our bleffed Re " deemer took this Care of his dear Mother " left a Widow, John 19. 26, 27. Thirdly, " CURSETH and threatneth thol " that abuse them. Deut. 27. 19. Mal. 3. " Mat. 23. 14. Wo to you that devour Widow Houses. With Exod. 22. 22, 23, 24. Fourthly, " BRANDS those as wicked One " that wrong them. Psalm 94.6. Job 24.3,-4 21. This is one mark of the Wicked there " that they took the Widows Ox for a Pledge; o

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" Cow. The Hebrew Word * fign * Shor. " fies both. And poor Widows have

" feldom an Ox (for he that has one, mu " have two for the Yoke) but make a shift

" to keep one poor Cow for her Milk. And " they must be notoriously Wicked, that wil

" rob her of this. They should not take he

" Coat that cloaths her, much less her Co

" that feeds her. Deut. 24. 17. See Isa. 1.23

" and 10.2. Luke 18. 1, -- 6. in the unjul " Judge.

Fifthly, " PLACETH a great Part of Reli " gion in relieving of them. James 1. 27. To

" visit the rich Widow is Courtesie: But to " visit the Poor is Charity. This was holy

" Job's Practice, Chap. 29.13. and 31.16. How " contrary to that before!

Sixthly, God doth plead their Cause, and

" espouse their Quarrel. If Men will not speak 66 for

for them, God himself will. It is observed, that a Widow hath her Name in the Hebrew [Almonah] from a Word, that signifies to be dumb and silent. Because she cannot speak for her self; Death having taken off her Head, who was wont to speak for her. Or if she do speak; her Tale cannot be heard. Luke 18.4. Such dare not plead for themselves: And too often Men will not speak for them, and therefore God himself will do it. Deut. 10.18. Psalm 68.5. Psalm 146.9. God speaks for them in the Hearts of their greatest Oppressours. 2 Kings 4.1, --- 8. 1 Kings 17.8, --- 10, 24. Luke 7.11, --- 17. You will use your Bible in these.

Seventhly, "GRACIOUSLY accepts the little they can do for him, if done in fincerity of Heart. Mark 12.42,43. See how Christ commends her, tho' but for a Farthing, because her Heart went along with her Hand. Another Instance of this you may read, Mark 14.3, --- 10. Expositors conclude she was a

Widow.

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"AND now fure all this does call for Duty from them. And what is that, but to trust God? Fer. 49. 11. Let thy Widows trust in me. And to pray to him, I Tim. 5.5. Thus did she, Luke 2.36,37. Trust in God and continue in Prayers Night and Day. And be zealous for that God, who is so jealous for them. If God be careful to provide for them, they should be careful to please him.

SEVE-

SEVERAL Authors of Note, and of diffe tent Persuasions have publish'd their Senti ments of Mr. Rosewell, and of his Tryal, as follows.

MR. BAXTER in the History of his Life fays of him, * " That Holy, Hum " ble Man Mr. Rosewell is now un * Part III. P. 199. der a Verdict for Death, as a "Traitor, for preaching some Words, on the " Witness and Oath of Hilton's Wife (and one " or two more Women) whose Husband I

" veth professedly on the Trade, for which " he claimeth many Hundred, or Thousand

" Pounds. And not only the Man professeth

" but many of his Hearers Witness, that no " fuch Words were spoken; nor any that be

" feemeth not a Loyal, Prudent Man.

AND he concludes + his History † P. 200. with this Passage.

" MR. ROSEWELL did so fully plead his " own Case, and prove his Innocency, and

" the Confederacy, Incompetency and Falle

" hood of the Witnesses, that tho', alas! the " Jury found him Guilty of Treason, &c. --

" Innocency with Humility and great Abili

"ty were his Advantages improved; and " with all that he had few Enemies.

THERE is a brief Account of his Cafe, the New Martyrology, which begins thus,

" * MR. ROSEWELL, a ver " worthy Divine, was tryed for " treasonable Words in his Pulpit; upon the

n

Accusation of very vile and leud Informers; and a Surry Jury sound him guilty of High-Treason, upon the most villanous and improbable Evidence that had been ever given, &c. Mr. MEAD's Summary Account in his Funeral Sermon has been already taken notice of.

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DR. CALAMT in his Abridgment of Mr. Baxter's Life gives a particular Account of Mr. Rosewell, and of his Tryal *.

And amongst other Things: That 756,757.758, the Defence made by him was

very clear, and gave general Satisfaction to all who were prefent: Some Gentlemen of the long Robe reckon'd it the best Desence that was made of himself by any Man in those Times.

As also in Vol. I. p. 363, 364, 365; a great Part of which is Transcrib'd in

THE Compleat History of England, where amongst other Things it is said. " † Mr. R. made a most full and clear Defence of himself; very modestly and yet strenuously vindicating 428,429.

his Innocence, to the Satisfaction of those who were present; and so as to gain the applause of many Gentlemen——&c.

Applaule of many Gentlemen—— &c.

Mr. PEIRCE in his Vindiciae has || these
Words. "Nec praetermittenda est famosa illa, atrocitate rei notissima, & || P.112.

per omnes feré pervulgata, in ROSEWELLUM Criminatio; qui laesae Majestàtis falso
insimulatus, & Subornatis Testibus, capite dam-

a natus, tantum non Martyris gloriam consequebas

LORD Harcourt at Dr. Sacheverell's Tryal. " THAT Case which was alluded to, I take

" to be the Case * of Mr. Rosewell, " a Nonconformist Minister; He

119. " was indicted in the 36 Car. 2. for

"Words spoke by him in a Sermon preach'd at a Meeting-house. It was a Prosecution

" carried on through the Violence of those

"Times, and generally detefted. He was

" convicted: But on cooler Tho'ts, and Con-" fideration of the uncertainty in his Expres-

" fions, that they could not amount to fuch a

" Crime, as he stood charged with [Judge.

" ment was arrested and] Mr. Rosewell was

" discharged.

MR. PEIRCE in his Vindication in English

printed this Year.

"I CANNOT omit mentioning + Part I. p. " + the Tryal of Mr. THOMAS 259. " ROSEWELL, --- He was

" found guilty of High Treason upon Three

" most scandalous perjur'd Women's Evidence.

"Whose Perjuries would have been fully pro-

" ved against them, could Justice have been had " He made a handsome and ingenious De-

" fence of himself; but to no purpose, as to

" his Judge and Jury. But upon a Repre-

" fentation of his Tryal to the King he was " pardon'd; and narrowly mis'd the Glory

" of dying a Martyr in the Cause of Christ.

LORD Chief Justice Feffery's, * in he Tryal, amongst other Things * P. 234.

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reas "—You find him a Man of very notable Understanding—One that has a great deal of Knowledge in the Tongues; look'd upon to be a very learned and ingenious Man—and has shewn himself to be a Man of very great Parts.

To all which I will add the Inscription on s Tombstone; which is as follows,

In agen Shalilles, palicy conjugan

Tidadis ac Modelliac, quantita

Concionator arres facundia, studio

Sacri Codicis Unterpres Afficient d

Doireigue, temporata inhabition

Ours Christi coult ferrislines

And Shene ameters and distan-

H. S. E.

H. S. E.

VIOV THOMAS ROSEWELL,

Theologus Celeberrimus,

Dunkertoni in agro Somersettensi natus;

Collegii Pembrochiae apud Oxonienses alumnus;

Qui primum Rodae, in agro jam dicto; deinde
In Oppido Sutton Mandevile in comitatu Wiltunensi,
Usq; ad diem S. Bartholomaei, A. MDCLXII. sacra administravit,
Ecclesiae denique apud Nauticum sinum juxta Londinum,
In agro Sudriensi, pastor cooptatus suit.

Vir haud minori
Pietatis ac Modestiae, quam doctrinae laude clarus;
Concionator arte, facundia, studio eximius;
Sacri Codicis Interpres assiduus & peritissimus.

Qui post multos labores

Multasque, temporum iniquitate, vexationes acerbissimas,

Quas Christi causa fortissimo animo sustinuerat,

Apud Sinum nauticum ante dictum placide

Obiit, XVI. Kal. Mar.

Anno

Aetatis suae LXII. Christi MDCXCII.

FINIS.

ERRATA in the Tryal.

Age II. 1	Line 3. Read Tricesimo.
- 66	9 Rotherhith-Wall.
81	-3. — Dele, I could not do it, for -
ibid	14 Come.
	17. (& alibi) Gerar.
	- penult. (& alibi) - Pharaoh.
93	1 tell.
	penult — &
	II Timnath.
	21 Earthen.
	30 Two Witnesses.
	21, and 22. dele, the third Person.
274.	15 or speaking, expressly publish &c.
208.	29 Precedents.
300.	
	그

In the Life.

Age 16.	Line 3.	from th	ne bottom,	for than,	rea! that.
23.		3	— MAT — usually	י. על בנים הבא לי	200700
37		25. —	- Artic	ulate.	Sovies.
- 66.		2	Irrotu	latur.	

It is hoped, the Reader will excuse some other Errors in Pointing and Spelling.

N. B. WHEREAS it is said in P. 52. of the Life, that, t—was believ'd, that the happy Deliverance of Mr. Rosewell did much contribute to the Preservation of Mr. Hayes, kc. I understand since, that Mr. Hayes was try'd within a Day or two after Mr. R. and that it was generally concluded that Mr. R's Tryal and the Noise that was made about t, was of great Service to Mr. Hayes.

HRRATA CARLE A Livery Read Lines of and the state of t 2010年2月 - 中央 1888年 - 1889年 - 1888年 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - 18884 - the transfer of the state of th

THE ARRAIGNMENT

TRYAL

Of the late REVEREND

M'Thomas Rosewell,

FOR

HIGH-TREASON:

BEFORE THE

Lord Chief Justice Jefferies,

AT THE

Court of King's-Bench, WESTMINSTER:

In the MONTHS of

October and November, 1684.

The Wicked watcheth the Righteous, and seeketh to slay Him: The LORD will not leave him in his Hand, nor condemn him when he is Judged. Psalm. 37.32,33.

Printed for JOHN CLARK, and RICHARD FORD. MDCCXVIII.

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THE

ARRAIGNMENT

AND

TRYAL

Of the Late REVEREND

Mr. Thomas Rosewell, &c.

Die Jovis 23. Oct. An. Dom. 1684. Term. S. Mich. An. Reg. Regis Car. II. 36. B. Regis.



of the Term, Mr. Attorney General moved the Court of King's Bench for an Habeas Corpus, directed to the Keeper of the Gatehouse, to bring up the

ody of Thomas Rosewell, Clerk, to be arraignd upon an Indictment of High Treason, B 2 found found against him at a late Sessions of Oye and Terminer, held at Kingston in the County of Surrey; And it was desired returnable to Morrow, but was not taken out till that Day, returnable immediate, and upon Saturday it was returned.

Die Sabbati 25 Oct. 1684. B. Regis.

Dominus Rex vers. Rosewell.

the Writ of Habeas Corpus, to the Bard the Court of King's-Bench, and was thus Ar

raigned:

Clerk of the Crown. Thomas Rosewell, Hold w thy Hand, (which he did) Thou standest In dicted by the Name of Thomas Rosewell, lat of the Parish of Rotherhith, in the County Surrey, Clerk; For that thou, as a false Tra tor against the most Serene, and most excel lent Prince our Sovereign Lord Charles the Second, by the Grace of God King of Eng land, Scotland, France, and Ireland, Defender the Faith, &c. thy Supreme and natural Lord not having the Fear of God in thy Heart, no weighing the Duty of thy Allegiance; bu being Moved and Seduced by the Instigation of the Devil; the cordial Love, and true, du and Natural Obedience, which a True and Faithful Subject of our faid Sovereign Lor the King doth, and of right ought to be towards him, altogether withdrawing: and

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contriving and intending to diffurb the Peace and common Tranquillity of this His Kingdom of England, and to fow Sedition and Rebellion within the Kingdom, and to depose our faid Soveraign Lord the King from the Stile, Honour and Regal Name of the Imperial Crown of this Realm, and to bring our faid Sovereign Lord the King to Death and final Destruction, the 14th Day of September, in the 36th Year of the Reign of our faid Sovereign Lord the King that now is, at the Parish of Rotherhith afore. faid, in the County of Surrey aforesaid; didst purpose, compass and imagine to sow Sedition, and raise Rebellion against our said Sovereign Lord the King, within this Kingdom of England, and to make a miserable Slaughter among the Subjects of our faid Sovereign Lord the King, and to cause our said Sovereign Lord the King to be deposed from the Regal State, Title, and Honour of the Imperial Crown of this Realm; and to put to Death and final Destruction, our said Sovereign Lord the King; and the Government of this His Kingdom of England, at thine own Will and Pleafure to change, and alter; and the State of this Kingdom of England, in all its Parts well-order'd and constituted, to Overthrow and Subvert; and to Levy War against our said Sovereign Lord the King within this Kingdom: And to compleat thy faid most wicked Treafons, and traiterous Purposes, and Imaginations; and to raise Discord between our said Sovereign Lord the King and his People, Thou

the faid Thomas Rosewell, the aforesaid 14th Day of September, in the 36th Year aforesaid, at the Parish aforesaid, in the County aforesaid; falsly, unlawfully, feditiously, malicioully and traiteroully, in a Certain unlawful Affembly, and in the Presence and Hearing of divers Subjects of our faid Sovereign Lord the King then and there unlawfully and feditiously, against the Laws of this Land, assembled and gathered together; didst Speak, Affert and Declare, That the People (meaning the Subjects of our faid Sovereign Lord the King) made a flocking to our said Sovereign Lord the King, upon pretence of Healing the King's-Evil, which he (meaning our faid Sovereign Lord the King) could not do; but that we (meaning thy Self, and other traiterous Persons, Subjects of our faid Lord the King) are they to whom they (meaning the Subjects of our faid Lord the King) ought to flock, because we (meaning thy Self, and the faid other traiterous Persons) are Priests and Prophets, that by our Prayers can heal the Dolours and Griefs of the People. We (meaning the Subjects of our faid Sovereign Lord the King) have had two wicked Kings, (the most Serene Charles the First, late King of England; and our faid Sovereign Lord the King that now is, meaning) together, who have permitted Popery to enter in under their Noses; whom (meaning the said Charles the First, late King of England, and our faid Sovereign Lord the King that now is) We can resemble to no other Person but to most wicked Jeroboam: And that if they, (meaning

(meaning the faid evil-disposed Persons then and there, so as aforesaid with thee unlawfully affembled, and gathered together) would stand to their Principles, thou (meaning thy Self) didft not fear, but they (meaning thy Self, and the faid evil-disposed Persons) would overcome their Enemies, (meaning our faid Sovereign Lord the King and his Subjects) as in former Times with Rams-horns, broken Platters, and a Stone in a Sling; against the Duty of thy Allegiance, against the Peace of our Sovereign Lord the King, his Crown and Dignity, and against the Form of the Statute in that Case made and provided. How fay'st thou, Thomas Rosewell; Art thou Guilty of this High Treason whereof thou standest Indicted, and hast been now Arraigned, or Not Guilty?

Mr. Rosewell. My Lord, I humbly crave the

Favour to speak a Word.

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Mr. Just. Holloway. What is it you would

lay, Sir? You must Plead.

Mr. Rosewell. My Lord, my Charge is very high; and I bless my God, I am not conscious to my felf of any Guilt as to those Things, that you have heard Read, and Charged upon me-

Mr. Just. Holloway. If you will Plead, Sir, to his Indictment so; that is all you have to to now.

Mr. Rosewell. My Innocence is my great Comfort under the God of Heaven; who knows they have lay'd to my charge Things that I know not. I do protest my Abhor-

rence

rence of these Things alledged to be said by me against my Sovereign, whom I honour in my Heart, and daily pray for; I bless my God for it.

Mr. J. Holloway. I hope then your Innocence will clear you. But we have nothing to do now but take your Answer to this Question, Whether you are Guilty, or not Guilty, of what you stand Indicted for.

Mr. Rosewell. I humbly crave your Lord. ship's Patience a little. Pray, my Lord, giw

me Leave—

whatever you have to fay, at the time of your of Trial.

Mr. Rosewell. Pray hear me a few Words my Lord; I would not trespass upon your in Patience: I have but a few Words to fay.

Mr. Just. Walcot. You must Plead, Guilty M

or not Guilty, first.

Mr. Rosewell. My Lord, I beseech you—G Mr. J. Holloway. Sir, We cannot hear you in a Case of so great weight and moment this, 'till you have Pleaded. You will have G time enough at your Tryal to make your Do fence; and all we can do now is to take you be Plea of Guilty, or not Guilty.

Mr. Rosewell. May it please your Honours You are sensible of my great Weakness and Ignorance in Matters of Law, and Things of this Nature; I therefore humbly beg I ma have Council to affift me in this Business.

Mr. J. Walcot. If there be any thing

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Matter of Law doth arise upon your Tryal,

the Court will affign you Council.

Mr. J. Holloway. We cannot affign you Council at present, for we have nothing to assign it upon. If there do any Question of Law arise in your Case, then the Court will, (as they are bound to do,) take Care of you, that you suffer no Prejudice for want of the Assistance of Council; and in Matters of Fact upon your Tryal, the Court are of Council for you.

Mr. Rosewell. I humbly thank you, my Lord: I hope you will Pardon my Weakness and Ignorance. I crave the Favour to have a Copy

of my Indictment.

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Mr. J. Holloway. We cannot allow it. You cannot be ignorant of that, it has been denied in many Cases of late.

Mr. J. Walcot. We cannot grant it, except

Mr. J. Walcor.

Mr. Attorney will confent to it.

Mr. Attorney Will confent to it.

Mr. Holloway. You must Mr. J. Holloway. You must positively say Guilty, or not Guilty. Sir Samuel Astry, call him to his Plea.

Clerk of Crown. How fay'ft thou, Art thou

Guilty, or not Guilty?

Mr. J. Holloway. Look you Sir, you shall not be straitned, you shall have convenient Time to consider what Defence you have to make. In the mean time, we have nothing to fay, but to know of you what you will Plead; Guilty, or Not Guilty.

Mr. Attor. Gen. If you desire to have the

words read agen to you, you shall.

Mr. J. Holloway. Ay, with all our Hearts.

Mr.

The TRYAL of

Mr. Rosewell. I thank you, Sir, and my good I desire, if you please, to have it read

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Mr. J. Holloway. Read them in Latin.

Surry S. Juratores pro Domino Rege Super San cramentum suum præsentant, quod Thomas Rosewell, nuper de Parochia de Redriffe in Com' Surr' Cle. ricus, ut falsus proditor Illustrissimi, Serenissimi & ate Excellentissimi Principis Domini nostri Caroli Secundi, Dei Gratia Anglia, Scotia, Francia & Hibernia Regis, Fidei Defensoris &c. Supremi & naturalis Domini sui; timorem Dei in corde suo non habens, nec debitum ligeancie sue ponderans, sed instigatione diabolica motus & seductus, cordialem dilectionem, & veram, debitam & naturalem obedien tiam quas veri & fideles subditi dicti Domini Re gis erga ipsum Dominum Regem gererent & de jure gerere tenentur, penitus subtrahens & machi-nans; & totis viribus suis intendens pacem & communem tranquilitatem dicti Domini Regis huju Regni Anglia inquietare, molestare & perturbare; seditionem & rebellionem contra dictum Dominum Regem infra hoc Regnum Anglia movere, suscitare & procurare; & cordialem dilectionem, & veram & debitam obedientiam quas veri & fideles subditi dicti Domini Regis erga ipsum Dominum Regen gererent, & de jure gerere tenentur penitus subtrahere, delere & extinguere; & ipsum Dominum Regem a stylo, honore & regali nomine imperialis Coron e hujus Regni Anglia deprivare & deponere; Subditos dicti Domini Regis contra dictum Dominum Regem suscitare & movere; decimo quarto di Sep.

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eptembris, anno regni dicti Domini nostri Caroli ead fundi, Dei Gratia Anglia, Scotia, Francia Hibernia Regis, Fidei Defensor', &c. tricessimo exto apud Paroch. de Redriffe in Com' Surr' praito, falso, malitiose, subdole & proditorie proposuit, unpassavit, imaginatus fuit, & intendebat seditioem & rebellionem infra hoc regnum Anglia move-, suscitare & procurare; & stragem miserabilem ter Subditos dicti Domini Regis procurare & caure; & dictum Dominum Regem a regali statu, tulo, potestate & regimine regni sui Anglia penitus eprivare, deponere, dejicere & exhereditare; ac ipnam dictum Dominum Regem ad mortem & finam destructionem adducere & ponere; ac gubernativem ejusdem regni pro voluntate & libito suis utare & alterare; & statum totius hujus regni r universas ejus partes bene institut' & ordinat' talu' subvertere & destruere; & guerram contra ctum Dominum Regem infra hoc regnum Anglia vare: & ad easdem nefandissimas proditiones & oditor' imaginat' & proposita sua prædict' per plend' & perficiend', & discord' int' dictum Doinum Regem & populum suum movere, causare, procurare; ipse idem Thomas Rosewell, dicto deno quarto die Septemb. anno regni dicti Domini sis nunc tricesimo sexto supra prædict, apud Pa-ch' de Redriffe prædict, in Com' Surr' prædicto, so, malitiose, subdole, advisate, diabolice & prodirie in quadam illicita assemblat', in presentia & autu diversorum subdit' dicti Domini Regis, adnc & ibidem illicité & seditiose assemblat' & gregat', dixit, asseruit & declaravit quod popu-(subdit' dicti Domini Regis nunc inuendo) coad-

soadunationem fecere (Anglice made a Flocking dicto Domino Regi nunc, sub prætextu sanandi mor bum regni (Anglice the Kings Evil) quod in (dictum Dominum regem nunc iterum ineundo) fa cere non potest; sed nos sumus illi (seipsum Thoman Rosewell & al' seditiosas & proditor' person' in uendo) ad quos illi (ligeos subdit' dict' Domin regis nunc inuendo) debent accedere (Anglice Flod to) quia nos (seipsum predict' Thomam Rosewell 6 al' sedit' or proditor' person' iterum inuendo Sumus Sacerdotes & Propheta qui precibus, dolon ipsorum (ligeos subdit' dicti Domini regis nun iterum inuendo) sanaremus. Nos (subdit' & l geos hujus regni Anglia inuendo) habuimus nun duos iniquos reges (Serenissimum Carolum primu nuper regem Anglia, & diet' Dominum regem nun inuendo) insimul, qui permiserunt Romanam super stitionem (Anglice Popery) ingredi (infra hoc re num Anglia inuendo) in eorum conspectu (Anglia under their Noses) qui (pradictum Carolum pri mum nuper regem Anglia & dictum Dominum " gem nunc inuendo) assimulari possunt ad nullamper nam nisi ad nequissimum Jeroboam. Et si ipsi (d vers' maledisposit' & sedit' person' adtunc & ibide cum prefat' Thoma Rosewell illicite & seditiose semblat' & congregat' existen' inuendo) ad fundi mental' ipsorum permanerent (Anglice would stan to their Principles) ipse (seipsum Thomam Roll well inuendo) non timebat quin ipsi (seipsum In mam Rosewell & pradict' maledispos' & sedit' pu o j son' sic ut prefertur assemblat' inuendo) inimio suos (dictum Dominum regem nunc & ligeos su dit' ipsius Domini regis nunc inuendo) vincere in

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ing it in pristino tempore cum Cornubus ariet', painis fractis, (Anglice broken Platters) & lapide n funda, (Anglice Sling) contra debit' ligeant' sua, ontra pacem dicti Domini regis nunc, Coron' & digitat' suas, &c. Nec non contra formam Statut' in n hujusmodi Casu nuper edit' & provis', &c.

Cl. of Crown. How fay'st thou, Art thou

Guilty, or Not Guilty?

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Mr. J. Holloway. Now what do you fay to it. Are you Guilty, or not Guilty? for indeed we cannot fpend our Time impertinently, we have other Business. Here is a Question you ought to make a direct Answer to, one way, or other.

Mr. Rosewell. My Lord, I humbly crave the Favour it may be read once more in English.

Mr Att. Gen. Sir Samuel Astry, Read the Words without the Inuendos.

[Clerk of Crown reads] That the People made a serie locking to the King, upon pretence of healing the (ing's Evil, which he could not do; but we are hey to whom they ought to flock, because we are Priests and Prophets, who can near their who wished Kings together, who wished Kings together, who had two wished Kings together, who had to hat to phom we can resemble to no other Person, but to he most wicked Jeroboam: And if you will stand o your Principles, I do not fear but we shall be ble to overcome our Enemies, as in former Times, su with Rams Horns, broken Platters, and a Stone n a Sling.

Mr.

Mr. Just. Holloway. Now you hear your Charge, both in Latin and English; Pray therefore, let the Court know what you do Plead; Guilty, or not Guilty, to it.

Mr. Rosewell. Not Guilty, my Lord; and I

bless my good God for it.

Clerk of Crown. Culpret, How wilt thou be Tried?

Mr. Rosewell. By God, and my Country.

Cl. of Crown. God send thee a good Deliverance.

Mr. Rosewell. These are Things that my Soul

abhors, I thank my God.

Mr. Att. Gen. Mr. Justice Holloway, will you please to appoint some time for his Tryal?

Mr. J. Holloway. What time would you have, Mr. Attorney? When can you be Ready, Mr. Rosewell?

Mr. Rosewell. I desire, my Lord, it may be

on the 19th of November.

Mr. J. Holloway. What Day of the Week is that?

Mr. Clerk. Upon Wednesday.

Mr. J. Holloway. Are there no Arguments appointed for that Day?

Mr. Clerk. There is a Jury of Northampton

Shire, for that Day.

Mr. J. Holloway. Then it cannot be that Day Mr. Rosewell. Then, if it please your Honours I desire it may be the next Day; upon Thursday.

Mr. Att. Gen. When it is most convenient

for the Business of the Court.

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Mr. J. Holloway. Sir Samuel, you will fee when it will be most convenient at the Return f the Venire.

Cl. of Crown. Must I return it?

Mr. Att. Gen. No; The Sheriff must: And he Course is to make it returnable the same pay the Cause is tried.

Mr. Rosewell. My Lord, I humbly desire I hay have Council allowed to come to me.

Mr. Att. Gen. You can have no Council al-

wed you.

Mr. Rosewell. My Lord, I Request that my riends may be allowed to come to me in the nean time; I have been a Prisoner above this sorth, and not permitted to see my Friends, or they to see me.

Mr. J. Holloway. What Friends would you

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Mr

Mr. Rosewell. My Relations.

Mr. J. Walcot. That Relations is a large Vord.

Mr. Att. Gen. Truly, Sir, I think he may ave liberty to discourse with any Person in the presence of the Keeper. I shall not oppose that.

Mr. Rosewell. Yes, my Lord, I desire it no herwise.

Mr. J. Walcot. Who do you Name to come

Mr. Rosewell. I have poor Children, that de-

Mr. J. Holloway. Who do you fay, you would have come to you?

Mr. Rosewell. My Wife and Children, my

Lord, that are my Bowels.

Mr. Att. Gen. In the Presence of the Keeper I cannot oppose it.

Mr. Rosewell. Will your Lordship please to

allow Council to come to me?

Mr. J. Holloway. We cannot do it by Law. The Court is to be of Council for you when you come to your Tryal. The Court will not fuffer any thing to be done to your Prejudice against Law.

Mr. Rosewell. Is there any Statute, my Lord

that forbids the giving of Council?

Mr. J. Holloway. The Law forbids the al lowing of Council in Capital Causes; unles where Matter of Law doth arife.

Mr. Rosewell. My Lord, as I remember

Fitzharris had Council allowed him.

Mr. J. Holloway. That was in a different Case, in a Matter where there were Specia

Pleadings; this is a General Issue.

Mr. Att. Gen. That was in a Matter of La that was infifted upon, but it is not so here If this Gentleman had any matter of Law t Plead, he should have Council assign'd his too. But Sir, I think Tuesday the Eighteent of November will be the freest and most con venient Day.

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Mr. J. Holloway. Let it be that Day then. Cl. of Crown. The Eighteenth of Novemb

is the Day of your Tryal.

Mr Rosewell. But, my Lord, was not Council allowed him before his Tryal came on?

Mr. J. Holloway. Yes; but that was upon a

Special Plea, of a Matter in Law.

Mr. Rosewell. I hope you will consider my

Case as of one that knows not the Law.

Cl. of Crown. Tuesday the Eighteenth of No-

vember is the Day.

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Mr. Rosewell. My Lord, I humbly request the Favour that any Person that can speak of my Integrity, may come and Testify for me.

Mr. Att. Gen. Ay, Ay; you may have Sub-

will, that are to be Witnesses for you.

Mr. J. Walcot. The Officers of the Court will do all things that are requisite and legal for you.

Mr. J. Holloway. Then take back your Pri-

foner, Keeper.

Mr. Att. Gen. I do not know truly, whether the Practice of the Court is not to commit to the Marshalsea, being the Prison of the County of Surrey.

Cl. of Crown. Sir, it may be one or th'other way, as the Court thinks fit. As long as the King's-Bench fits in Middlesex, he may be Pri-

soner still in the Gate-House.

Keeper. Then the Rule of the Court is that

he shall come agen then.

Cl. of Crown. Yes, he is, by Rule, to appear here the 18th of November next.

Whereupon he was carried back to the Gate-house.

Die

Die Martis 18. Nov. An. Dom. 1684. B. Regis,

Dominus Rex vers. Rosewell.

THIS Day the Prisoner was brought, by Rule, from the Gate-House to the Bar of the King's-Bench Court to his Tryal, at which all the Judges of the faid Court were present.

Cl. of Crown. Thomas Rosewell, Hold up thy Hand. (Which he did.) Those Men that thou shalt hear called, and do personally appear, are to pass between our Sovereign Lord, and thee, upon the Tryal of thy Life and thy Death: If therefore thou wilt challenge them, or any of them, thou art to speak unto them as the come to the Book to be Sworn, and before they be Sworn. Sir George Sheers, Baronet.

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Mr. Rosewell. My Lord, I would humbly crave the Favour of your Lordship, that!

may have the Use of Pen, and Ink.

Lord Ch. Justice. Ay in God's Name, let him have Pen and Ink.

Cl. of Crown. Swear Sir George Sheers, Baronet Mr. Rosewell. I beg I may have Pen, In and Paper, before he be Sworn. Lord Ch. Just. Ay, let him.

Cryer. Look upon the Prisoner. Sir, You shall well and truly try, and true deliverance make between our Sovereign Lord the King and the Prisoner at the Bar, whom you shall have in Charge; and a true Verdict give at cording

cording to your Evidence. So help you God.

Jurat' Sir George Sheers.

Mr. Rosewell. My Lord, I challenge him. Lord Ch. Just. That you cannot do now he is Sworn.

Mr. Rolewell. I was suprized, my Lord; I

did not know it.

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Lord Ch. Just. I cannot help it, Mr. Rosewell, you must mind your Business. We cannot unfwear him agen. Go on.

Cl. of Crown. Sir St. John Broderick.

Cryer. Look upon the Prisoner, Sir; You shall well, &c. Jurat' Sir St. John Broderick.

Mr. Rosewell. I challenge him.

Lord Ch. Just. You cannot, Sir; he is Sworn now.

Mr. Rosewell. I beg your Lordship's Pardon,

I was furprized.

Lord Ch. Just. Let us not spend time in such Talk as is to no Purpose; I tell you we cannot unswear him.

Mr. Rosewell. I desire, my Lord, my Challenge may be received, I was going to speak-

Lord Ch. Just. It cannot be after he is Sworn; we cannot make a new Law for you. Mind what was faid to you; if you have a Mind to challenge any body, you must challenge them before they come to be Sworn.

Cl. of Crown. Sir Robert Knightley.

Lord Ch. Just. Mind the thing you are about, Man: Speak now, if you have a Mind to challenge him.

Mr. Rosewell. I do not challenge him.

Cl.

Cl. of Crown. Then Swear him. Cryer. Look upon the Prisoner, &c. Jurat' Sir Robert Knightley.

Lord Ch. Just. Pray now mind the Thing you are about; You are looking about you for fome private Mark, or hint to be given you by fome body, and fo lofe your time of Challenging. You must challenge them as they come to the Book to be Sworn, and before they are Sworn.

Mr. Rofewell. I beg your Lordship's Pardon; I was minding to fet down the Names in my Paper, because I am to take notice of those

challenge for their Number.

Lord Ch. Just. You shall have all the fair Advantages that the Law will allow; you shall have your full Number to challenge, which you may do peremptorily, and without Caule as to 35; and as many more as you can with Cause.

Mr. Rosewell. Is there any one to note the Number?

Lord Ch. Just. There shall be sure to be no tice taken that you be not surprized that way. You shall have all fair Advantages, I tell you.

Mr. Rosewell. I humbly thank your Lord-

Thip.

Ul. of Crown. Sir William Elliot. Cryer. Look upon the Prisoner. Mr. Rosewell. I challenge him. Cl. of Crown. Sir George Woodroffe. Mr. Rosewell. I challenge him.

Cl. of Crown. Sir Cornwall Bradsbaw.

Mr. Rosewell. I challenge him.

Cl. of Crown. Sir Thomas Bludworth.

Mr. Rosewell. I challenge him.

Cl. of Crown. Anthony Thomas, Efq;

Cryer. Look upon the Prisoner.

Mr. Rosewell. I do not challenge him.

Cryer. You shall well and truly, &c.

(Jurat' Anthony Thomas.)

Cl. of Crown. Francis Brend, Efq;

Mr. Rosewell. I challenge him.

Cl. of Crown. John Weston, Esq; Mr. Rosewell. I challenge him.

Cl. of Crown. James Reading, Efq;

Mr. Rosewell. Is it Mr. Justice Reading of Southwark?

Lord Ch. Just. Do you challenge him or not?

you may if you will.

Mr. Rosewell. My Lord, my Reason is, I have heard much of him, but never had an Opportunity to know him till now. no Exception against him.

Lord Ch. Just. Then Swear him. (Which was

Done.)

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Cl. of Crown. Thomas Newton, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Thomas Vincent, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Ambrose Muschamp, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Ralph Freeman, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Joseph Reeves, Esq;

Mr.

Mr. Rosewell. I challenge him.
Cl. of Crown. Anthony Rawlins, Esq;
Mr. Rosewell. I do not challenge him.

(He was sworn.)

Cl. of Crown. Thomas Overman, Esq;

Mr. Rosewell. I have no Exception against him. (He was (worn.)

Cl. of Crown. George Meggot, Esq; Mr. Rosewell. I challenge him.

Lord Ch. Just. Cryer, Besure you bid them look upon the Prisoner; and the Prisoner look upon them, that he may see what he does.

Cryer. I do fo, my Lord.

Cl. of Crown. Samuel Lewin, Efq;

Mr. Rosewell. I have nothing to say against him. (He was sworn.)

Cl. of Crown. Lawrence Marsh, Esq;

Mr. Rosewell. My Lord, I desire to know how many I have challenged.

Lord Ch. Just. He shall tell you. Count them. Cl. of Crown. Twelve. What say you to

Mr. Marsh?

Mr. Rosewell. I challenge him.
Cl. of Crown. Ambrose Brown, Esq;
Mr. Rosewell. I challenge him.
Cl. of Crown. John Halsey, Esq;
Mr. Rosewell. I challenge him.
Cl. of Crown. John Awburn, Esq;
Mr. Rosewell. I challenge him.

Cl. of Crown. Henry Flood, Esq; Mr. Rosewell. I challenge him. Cl. of Crown. John Parsons, Esq; Mr. Rosewell. I challenge him.

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Cl. of Crown. John Pettyward, Esq; Mr. Rosewell. I do not challenge him. (He was sworn.)

Cl. of Crown. Richard Coldham, Esq; Mr. Rosewell. I do not challenge him. (He was sworn.)

Cl. of Crown. Robert Sanders, Esq; Mr. Rosewell. I challenge him. Cl. of Crown. John Heather, Esq;

Mr. Rosewell. I do not challenge him.
(He was sworn.)

Cl. of Crown. John Austin, Efq;

Mr. Rosewell. Pray Sir, doth this make Twelve if he be fworn?

Gl. of Crown. Yes, Sir.

Mr. Rosewell. Then I do not challenge him. (He was sworn.)

Cl. of Crown. Cryer, count these. Sir George Sheeres.

Cryer. One, &c.

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Cl. of Crown. John Austin.

Cryer. Twelve, good Men and true, Stand together and Hear your Evidence.

The Twelve Sworn were Thefe,

Sir George Sheeres.
Sir St. John Broderick.
Sir Robert Knightley.

Anthony Thomas.

John Pettyward.

Richard Coldham.

John Heather, and

Anthony Rawlins.

John Austin.

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Cl. of Crown. Thomas Rosewell, Hold up thy Hand, (which he did.) Gentlemen, you of the Jury, Look upon the Prisoner, and hearken to his Cause. He stands indicted by the Name of Thomas Rosewell, &c. (Pro ut in the Indictment, mutatis mutandis) — Upon this Indictment he hath been Arraigned, and thereunto hath pleaded Not Guilty; and for his Tryal hath put himself upon God, and his Country, which Country you are. Your Charge is to enquire whether he be Guilty of this High-Treason, in manner and form as he stands Indicted, or not Guilty. If you find him Guilty, you are to enquire what Goods or Chattels, Lands or Tenements, he had at the time of the High-Treason committed, or at any time since to your Knowledge. If you find him not Guilty, you are to enquire whether he fled for it; If you find that he fled for it, you are to enquire of his Goods, and Chattels as if you had found him Guilty. If you find him not Guilty, and that he did not fly for it, you are to fay for and no more, and hear your Evidence. Cryet, make Proclamation.

Cryer. Oyez, Oyez, Oyez; If any one can inform my Lords the King's Justices, the King's Serjeant, the King's Attorney-General, or this Inquest now taken, of the High-Treason where of the Prisoner at the Bar stands indicted; let them come forth, and they shall be heard: And all manner of Persons, that are bound to give Evidence on the behalf of our Sovereign Lord the King against the Prisoner at the Bar, let

et them come forth and give their Evidence; for now the Prisoner stands at the Bar upon his Deliverance: Or they forfeit their Recognizance.

Mr. Phipps. May it please your Lordship,

and you Gentlemen of the Jury-

Mr. Rosewell. Hold! Hold! I crave the Favour that the Indictment may be read in Latin.

Lord Ch. Just. Ay, with all my Heart, let

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[Which was done.]

Mr. Rosewell. My Lord, I humbly crave Leave to speak a Word or two.

Lord Ch. Fust. What would you have?

Mr. Rosewell. I beg your Patience for a Word or two. I find, my Lord, as I told my Lords upon the Day of my Arraignment, that my Charge is very black, and high: And truly if I were Guilty of those Things that are laid to my charge-

Lord Ch. Just. You are now going to be tried for them. I hope you are innocent.

Mr. Rosewell. I humbly thank your Lordship: I beg you would hear me but a Word or two.

Lord Ch. Fust. You must keep up to the Method of Proceedings, your time is not yet

come. What is it you would have?

Mr. Rosewell. My Lord, my Soul abhors these Things, I thank my God for it. I was going to speak to your Lordship, to know whether the Words of a Natural, or a Mad-man be Treason in Law. Lord

Lord Ch. Just. No.

Mr. Rosewell. Then, my Lord, the Ground of the Question is this, I find by Recollection and Consideration of the Words lay'd to my Charge, that my Malicious Enemies have ac. cused me of what any Man in his Senses,-

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Lord Ch. Just. This is not proper, Mr. Rose. well, at this time; for this is but an Anticipation. You must hear what is first proved against you. We must keep up to the Forms of Law, you shall have your full time to be heard whatsoever you will say for your Self; but you must not anticipate the Cause with previous Discourses.

Mr. Rosewell. I would only affert my own

Innocency.

Lord Ch. Just. Not yet; you must not doit, nor you shall not do it. When it comes to your Turn to speak, you shall have liberty enough to make your Defence as long as you will. Go on Sir.

Mr. Phipps. May it please your Lordship and you Gentlemen that are Sworn: The Prifoner at the Bar, Thomas Rosewell, stands In ga dicted, That he, as a false Traitor, not having the Fear of God before his Eyes, but being id moved and seduced by the Instigation of the Devil, and endeavouring to disturb the Peace and Tranquillity of the Kingdom, and to de un pose the King, the 14th of Sept. in the 36th un Year of this King, at the Parish of Rotherhith in your County; did falsly, maliciously and traiterously purpose and imagine to raise a rotal country. Rebel

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ebellion within the Kingdom, and to deive the King, and depose, and put him to eath and destruction, and the Government change and alter, and to levy War against e King within the Kingdom: And thefe icked Purposes to bring to pass, he the said ose homas Rosewell, the said 14th of Sept. in the sti. 6th Year aforesaid, at the Place aforesaid, My, unlawfully, maliciously, seditiously and ms aiterously, in a certain unlawful Assembly, en and there congregated, did fay and deare, The People make a flocking to the King, upon etence of Healing the King's Evil, which he cant do; but we are they to whom they ought to ck: for we are Priests, and Prophets, that can al their Grievances. We have now had two wicked it, lings together, who have permitted Popery to come under their Noses; and whom we can compare none, but the most wicked Jeroboam. But if ey would stand to their Principles, he did not ubt, but they should overcome their Enemies, as former times with Rams-horns, broken Platters da Stone in a Sling. And this is lay'd to be ainst the Duty of his Allegiance, against the ing seace of the King, his Crown and Dignity; d against the Form of the Statute in that the ase made and Provided. To this Indictment has pleaded, Not Guilty; If we prove him uilty of this Matter, you are to find him uilty.

Mr. Att. Gen. May it please your Lordship, ld you Gentlemen of the Jury; these trairous Words, that the Prisoner at the Bar is accused

accused of, were spoken in a Sermon, or Preach ment at a Conventicle. And tho' the Gentle man does pretend to much Innocency; ye you will find that in open Defiance of the Law, he takes upon him to Preach against the Law, not only of the Land, but even against the Laws of Almighty God: For he takes upon him to be a Preacher against a Rule, that which nothing is more plain in all the Word of God, viz. That he should not speak Evil Dignities, nor revile the Prince of his People. H knows this to be the Rule of the Scripture and yet in his constant Discourses, (as we shall prove) he makes it his Practice to revile the Government on all Sides. And by these do ings at this Day, Gentlemen, you will east understand what the Designs of these Con venticles are; only to nurse up People in Sed tion, and train them up to Rebellion; the they may be ready to break out into it who their Teachers advise them to it. We sha call our Witnesses, and prove to you, that the is, and has been the constant Tenor of his Di courfe; viz. Reviling of the Government, and there is almost no Text of Scripture, but, i his Way of Perverting it, he has turned again the Government. We shall shew this to b the habitual Courfe and Practice of him wh pretends to be fo Honest, and fo Innocent Man. Cryer, call Elizabeth Smith, ------Hi ton and Farrar.

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Then some of the Council at the Bar, being talking among themselves, the Lord Chief Justice reproved them for it.

Lord Ch. Just. Look you, Gentlemen, you nust not have Interlocutions among your selves. And you, Gentlemen of the Jury, I must tell ou, If any one whisper any of you, you ought o acquaint the Court with it. It is your outy to be directed by the Court, and the Evidence. Here is a Man's Life in Question, and that is a very weighty Thing: and you nust not take any private Insinuations, but only hearken to your Evidence, and mind what is spoken publickly, that the Prisoner hay be able to give Answer to it.

Mr. Rosewell. I humbly thank your Lord-

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Mr. Att. Gen. Where are Mrs. Hilton and Mrs. Smith?

(They were all Sworn.)

Mr. Rosewell. I do humbly request one Faour of the Court.

Lord Ch. Just. What would you have?

Mr. Rosewell. I humbly beg they may be exanined Separatim.

Lord Ch. Just. They shall.

Mr. Rosewell. I humbly thank your Lord-

Lord Ch. Just. Who do you begin withal,

Mr. Attorney?

Mr. Jones. My Lord, we shall begin with Mrs. Smith.

Lord Ch. Just. Then you must make Way that the other Witnesses may go out of Hearing You Cryer, make way for them; and see that they be set where they may not Hear.

(Which was done.)

Mr. Att. Gen. Come, Mrs. Smith, pray give my Lord, and the Jury, an Account whether you have been at any Meeting, where the Gentleman has been. Whether you know him; and what you heard of him.

Smith. I heard him fay this—

Lord Ch. Just. Hold a little. What is this Woman's Name, Elizabeth Smith?

Mr. Att. Gen: Yes, my Lord. Were you by

at any of his Conventicles?

Smith. Sir, I have been ever fince the 20th of July, till that Day for which he was Taken, but one Sunday.

Mr. Att. Gen. Give my Lord an Account d

what you heard.

Smith. Yes, Sir.

Lord Ch. Just. Where was it that his Meeting-House was?

Smith. He had feveral Houses, Private Hou

fes and a Publick House of his own.

Lord Ch. Just. Where? In what Place?

Smith. In Salisbury-street, near his own Dwelling.

Lord Ch. Just. Where is that?

Smith. In Rotherhith.

Lord Ch. Just. You were frequently there you fay?

Smith. Yes, my Lord.

Lord

Lord Ch. Just. What number of People might be there, as you guess?

Smith. I believe there might be 400 People,

or 300 commonly.

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Lord Ch. Just. What fort of People were hey?

Smith. Men and Women, House-keepers.

Lord Ch. Just. Well, what did you hear him fay?

Smith. I can give you an Account of his

Sermons several Days.

Lord Ch. Just. Do fo.

Smith. The first Notice that I took of any thing concerning the Government, was upon the 17th of August, and that was concerning His Majesty; and then in his Prayer after Sermon, he wished he might not offend God in not Praying for the King; but that it might please God to open his Eyes, and the Times might turn.

Mr. Att. Gen. What other Things have you

heard him fay?

Smith. The next time that I heard him was the next Sunday again, and that was in West-Lane, in a House there, and then he was speaking of Sodom and Gomorrah, and he brought in this Proof, not doubting but if there had been ten Righteous Persons the City had not been destroyed: But he did not mean Recorders, nor Lord Mayors.

Mr. Rosewell, What Day was that Mistris?

Smith. The 24th of August.

Mr. Att. Gen. Well what did you hear him fpeak, upon the Day in the Indictment, the

14th of September?

Smith. He said, The People made a flocking t the King, to cure the King's Evil which he coul not do; but, fays he, we are they, they should flow unto, for we are Priests and Prophets, that by ou Prayers can cure their Grievances. He said, W have now had two Wicked Kings together, which have permitted Popery to come in under their Nose. and could be compared to nothing but to most wicke Jeroboam. And then, after he had Preached good while, agen he faid, If they would stands their Principles, he did not fear, but they shoul overcome their Enemies, as in former Times, with broken Plutters, Ram's Horns, and a Stone in Sling.

Lord Ch. Fust. When was this?

Smith. This was upon the 14th of September

Lord Ch. Just. Where was it?

Smith. At one Capt. Daniel Weldy's House.

Lord Ch. Just. What is he? a Seaman? Smith. Yes, and he pray'd for him, bein

then at Sea and his Son both, who was Ill. Lord Ch. Fust. How many do you think migh

be present there at that time?

Smith. There was a Low Parlour full, an a little Room up six Steps; and where preached was up one pair of Stairs, there w a large Room, and a Garret.

Lord Ch. Just. Where did he Stand? Smith. In the Door-Case of that Room, the the Sound might go up and down.

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Lord Ch. Just. How many People in number

night there be think you?

Smith. I cannot tell, my Lord; a great many. Lord Ch. Just. How many; as nigh as you an guess, or think?

Smith. Several Hundreds of them.

Lord Ch. Just. Do you know any of them?

Vere they People of any Quality?

Smith. Yes, I know a great many of them; everal of them are in the Court, and about he Hall now.

L.C.J. Who stood at the Door and let you in? Smith. One Mr. Paul Shed; and he was any at my coming with Pattens, for they hade an Impression in the Ground, and ave notice to others, that there was Comany there: and I promised him I would come o more with them.

Mr. J. Walcot. Was he Door-keeper? What

she?

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Smith. A Brasier, I think.

Mr. J. Holloway. Had you any Notice of a conventicle that was to be there?

Lord Ch. Just. Ay; Tell us how you came

hither.

Mr. Recorder. How came you to find it out lat there was a Meeting at fuch a Place?

Smith. At first I found it by Dogging of cople as they went along; and afterwards, here were People set commonly at a Place alled Cherry-garden Stairs to give notice; and ometimes I asked there, and sometimes I went o Mr. Shed's House to enquire.

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Lord

Lord Ch. Just. Shed, you say, was present there then?

Smith. Yes, he let me in.

Lord Ch. Just. What; he was the Man that managed the Conventicle. He was Clerk, I suppose; was he not?

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Smith. I never heard him fay Amen; but I have heard him Expound in the Conventicle

fometimes.

Lord Ch. Just. Oh, he was a Journeyman Preacher it seems.

Mr. Recorder. Pray was there any store of Watermen and Seamen there?

Smith. Yes; abundance from Rotherhith, or

thereabouts.

Lord Ch. Just. Which way came all the People that were there?

Smith. From Deptford and Rotherhith, and

all thereabouts.

Lord Ch. Just. Was it near the Water-side? Smith. Yes, Not far from it.

Lord Ch. Fust. Well, Mr. Attorney, have you

any more Questions to ask her?

Mr. Att. Gen. No, I think not. Mrs. Smith, you have heard him, you fay, at other Days; how did he use to treat the Government in his Preaching at other times?

Mr. Rosewell. My Lord, I beseech your Lordships to tell me whether these Questions are proper to be put, it not relating to the Matter

that I am accused of?

Lord Ch. Just. Yes, yes, to give an Account of the Disposition of your Mind; very proper as can be.

Mr. Rosewell. Because it is not Part of my Charge, and I cannot be prepared to Answer, it.

Lord Ch. Just. When the King's Council have done with her, you may ask her any Questions; but you must let them go on first.

Mr. Att. Gen. My Lord, it is charged that he spoke these words with a traiterous, malicious Mind; and what better Evidence of such

a Mind than his usual Discourses?

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Smith. The 31th of August, I heard him Preach at Paul Shed's House; and there he preached that there was a certain Great Man, that lived at the Upper-end of Grace-churchfreet about this time Eighteen Years agone; I name no body, fays he, you all know him whom I mean; and there came a certain poor Man to him; he was not a poor Man neither, but a Carpenter by Trade, one that wrought for his Living, a Labouring Man; and told that Great Man, if he would take his Advice, he would tell him how to quench the Fire; but he Pish'd at it, and made light of it and would not take his Advice. Which if it had not been for that Great Man, and the Lord Mayors and Sheriffs that have been fince, neiher that Fire in London, nor the Fire at Waping, nor the Fire at Southwark, had gone fo ar, or come to what they did.

Lord Ch. Just. There was a Great Man that ived at the Upper-end of Grace-church-street!

-Who did he mean by that?

Mr. Recorder. He meant, we suppose, Sir Tho. mas Bloodworth, that was Lord-Mayor at the Fire-Time.

Lord Ch. Just He did not live there then.

Mr. Recorder. It feems he faid fo.

Mr. Att. Gen. Pray Mrs. Smith, let me ask you one Question. How far were you off from him; and where did you sit this 14th Day of September, when you heard him say those Words you speak of?

Smith. I fat upon the Bed, and he was stand.

ing at the Door.

Mr. Att. Gen. My Lord, we have done with

this Witness at the present.

Lord Ch. Just. Now, Mr. Rosewell, if you will, you may ask her what Questions you

please.

Mr. Rosewell. My Lord, I was before going to beg your Pardon for my Weakness, being altogether unacquainted with these Things; and that you would look upon me as one that is inops consilii, and pardon any thing that comes from me impertinently. I cannot speak to her as a Lawyer to sift her, and search out the Truth; will your Lordship give me leave to speak to her as a Divine?

Lord Ch. Just. Ask her what Questions you will, but we will not have any of your Preachments here. You must consider where you are, you are not now in your Pulpit, but at the Bar; I assure you we do not intend to make a Conventicle of the King's Bench Court.

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Mr. Rosewell. My Lord, I meant only to endeavour to convince her, by putting some Questions, like a Divine, to her. For I pity them, tho they envy me; and I bless my God, have pray'd for them many times since my Imprisonment.

Lord Ch. Just. Well, well; do not stand to commend your self now, this is not your time of making your Defence: Only, if you will ask this Witness any Questions, you may.

Mr. Rosewell. You are under an Oath, Mrs.

Smith. I am fo, Mr. Rosewell.

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Mr. Rosewell. Are you sensible what an Oath is, and the great Obligation you are under by it to Testify nothing but the Truth? as you will Answer it to the Great God—

Lord Ch. Just. Look you, Mr. Rosewell, ask her any Questions to the Business that she has here Testified; but do not Preach to her. It is not your Work to Catechife the Witnesses, that is the Duty of the Court, and we shall, no doubt, take care to do our Duty. And I will tell her, to fave your Preachment, she is in the Presence of the Great God of Heaven and Earth, before whom we must all appear at the great Day of Judgment, to give an Account of every Word we speak. And you are under an Oath, and if in Case you tell one Tittle of a Lie in your Testimony against the Prisoner at the Bar, who stands now to be tried for his Life, it will be Just with the Great God to fink you down into Hell Fire immediately. There-D 3

Therefore, I require you, upon your Oath, not to speak one Word but what is Truth.

Smith. My Lord, I affure you, I will ra-

ther fay less, than add any one Tittle.

Lord Ch. Just. Mr. Rosewell, Ask her what you will, but do not give your felf, or us, the trouble of a Preachment to teach her the Obligation of an Oath; for she very well knows it feems what it is, and fays she will rather speak less than more than the Truth.

Mr. Rosewell, I humbly thank your Lord. ship for what you have said to her. Mrs. Smith, Pray was you at Rotherhith the 14th day

of September?

Smith. Yes, that I was.

Mr. Rosewell. Did you come alone? or, who

came with you?

Smith. Mrs. Hilton came along with me, and another Gentlewoman, and Mr. Shed let us in all together.

Mr. Rosewell. Who is that Mrs. Hilton?
Mr. Att. Gen. You will fee her by and by Mr. Rosewell.

Mr. Rosewell. Where did you meet toge-

ther?

Smith. Mrs. Hilton lay with me all Night, and we were together the Day before.

Mr. Rosemell. What time did you come this

ther, pray Mrs.?

Smith. I came thither before Seven of the

Clock, before you came, Sir.

Mr. Rosewell. And I pray whose House came you to at Rotherhith?

Smith.

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Smith. We were informed it was Captain Weldy's House.

Mr. Rosewell. Are you sure it was his House? Smith. As they did tell us it was Captain Daniel Weldy's.

Mr. Rosewell. I pray, Mrs. what Room were

you in there?

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Smith. We were up one pair of Stairs. There is a little Room we come at sooner; but we were in the Room with the Bed; and there was one Mr. Atkinson there that was in Mourning, and there were two or three Boys of his with him that sate upon the Bed, and their Shoes were plucked off, that they might not dirt the Bed; and I gave him his Boys Shoes from under the Bed.

Mr. Rosewell. Pray where did I stand, Mrs, do you say?

Smith. In the Door-Cafe.

Lord Ch. Just. What Boy is that you speak of?

Smith. Two Boys that came in with one Mr. Atkinson; his Relations, I suppose they were.

Mr. Rosewell. Pray how did the Service be-

Smith. You took your Text out of the 21st of Genesis; that was the Chapter to the best of my Remembrance.

Mr. Rosewell. But I ask you Mrs. how did

the Worship, the Service begin?

Lord Ch. Just. You mean your Prayer, you do not use to call it Service.

D 4

Smith.

Smith. You made a Prayer.

Mr. Rosewell. Was it begun with a Chapter, or a Psalm, or how?

Smith. There was no Pfalm; a long Prayer you made, as you used to do formerly.

Mr. Rosewell. How long was that?

Smith. It was always used to be about three quarters of an Hour long.

Mr. Rosewell. Was there any Chapter read? Smith. There was no Chapter before you took your Text, as I heard, and I was there before you.

Mr. Rosewell. Upon what Occasion then were these Words spoke, if there was no Chap-

ter read?

Smith. I fay there was none till you took your Text, and then you spoke those Words.

Mr. Rosewell. But how came those Words in? Smith. You always took a whole Chapter, and expounded all along.

Mr. Rosewell. A long Text for one Sermon,

Mistress.

Lord Ch. Just. Yes, yes, We know you have

a fine way of Preaching.

Mr. Rosewell. Well, Mrs. Upon what Verse of the Chapter were these Words spoke, about slocking to the King to cure the Kings Evil?

Smith. I cannot be punctual to the particu-

lar Verse.

Lord Ch. Just. Nay, I suppose you seldom keep to your Text. I am sure there was never a Verse in any Chapter that warranted the speaking of any such Words as these.

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Smith. My Lord, I cannot be punctual to the particular Verse. It was within five or six Verses of the beginning, I believe.

Mr. Rosewell. Then upon what Occasion came in the Words about the two Wicked

Kings?

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Smith. In Preaching you brought it in by

other Proofs.

Lord Ch. Just. Why, Man, there can be no Occasion for speaking of those Words. You spoke them without any Occasion at all. No body can tell what Occasion you had to speak them.

Mr. Rosewell. But, my Lord, I suppose there may be some coherence in my Discourse. I

would know how they were brought in?

Lord Ch. Just. Who can tell the Occasion? Do you ask me what Reason any Man has to peak Treason? I tell you there is none at all

obe given for it.

Smith. One of your Proofs in your Preaching was concerning Dalilah and Sampson, and you brought in that Proof concerning the King's using of Women, it was out of the Judges. And he said he did not Question, but that in the End the Whores would serve the King, as that Whore Dalilah did Sampson.

Lord Ch. Just. Was this at the same time,

pon the same Day?

Smith. Yes, it was upon the 14th of Septemer.

Mr. Rosewell. If it please you, my Lord, hese are not Words that are charged in the information—

Lord

by your Questions.

Mr. Rosewell. If they were spoken, (upon that Hypothesis, I say if they were spoken; but I deny the Thesis, I abhor the thoughts of them.) I would know how they were brought in, under what Verse?

Lord Ch. Just. Ay, I take you right as to that, you do deny it; and they are not in the

Indictment.

Smith. I cannot be punctual as to the Verse Mr. Rosewell. Pray upon what Account did come in the two Wicked Kings?

Smith. I cannot tell the Verse, truly.

Mr. Rosewell. How came in that about Jero boam?

Lord Ch. Just. How can she tell how you bring in Treason?

Mr. Rosewell. My Lord-

Lord Ch. Fust. Nay, pray Sir, hear mealist the. You shall have all the Liberty to defend your self that the Law can allow of. We are accountable to the Law upon our Oaths to defend Justice, and are as much accountable to Heaven for our Actions, as you or any Prisoner that comes to this Bar is to the Law for your Actions. But do you ask what Reason you spok Treason for? I tell you no Reason can be given for it.

Mr. J. Holloway. Do you think any of you Auditors can give an Account of the Connex on of your whole Sermon?

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self Lord Ch. Just. When you talk besides the Cushion, do you think any Man alive is able ogive an Account how you come to ramble nd talk Treason?

Mr. Rosewell. Can you tell, Mrs. when that vas spoken, of standing to their Principles, and he Rams-horns, &c.?

Smith. That was at the latter end of your

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Lord Ch. Just. When you had faid there erse vere two Wicked Kings, then presently you vere for standing to your Principles, and oercoming your Enemies.

Mr. J. Holloway. It feems she was very in-

ent upon your Sermon.

Lord Ch. Just. For my part, I wonder she in remember fo much as she does. It is much

le can remember fuch Stuff as this.

Mr. Rosewell. The God of Truth, my Lord, hope will manifest the Truth. Pray, Mrs. ere these Words spoken one just after another my Discourse?

Smith. No, they were not; but they were

lead spoken at that time.

Mr. J. Holloway. Have you done with her. Mr. Rosewell. No, my Lord, I humbly beech your Favour and Patience a little. Pray

irs. Smith did you write?

Smith. I did not write till I came home, d after I came home I did write it down. veral that were there did write down your rmon.

Mr.

Mr. Rosewell. Several of whom do you mean?

Smith. Several of your Congregation, Sir.

Mr. Rosewell. Did your Companions writed and pray where did you first write down these Words?

Smith. After I came Home I fet them down Word for Word to a Tittle, as they were spoken, as near as I could remember, what you spoke.

Mr. Rosewell. Was any body with you when

you fet them down?

Smith. Yes, my own Family saw me write them down: and the other Witness was wit me; and afterwards we went to the Bull and Mouth, the Quakers Meeting-House.

Mr. Rosewell. What other Witnesses wereb

when you fet them down?

Smith. There was my Husband, my Appren

tice, and my Child.

Mr. Rosewell. And did you set them down just exactly, as you have Sworn them upon this Indictment?

Smith. Yes, to the best of my Knowledge. Mr. Rosewell. Upon your Oath in the profence of the great God, did you set the down as they were spoken?

Smith. Yes, I tell you.

Lord Ch. Just. Ay, I would ask you that Question; Did you, (I speak to you as in the Presence of the great God, and upon your Oaths fet down his Words just as he spoke them Substance.

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Smith. Yes, I did to the same Substance as

near as I could remember.

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Mr. Rosewell. Pray what other Words were poken between these Words in the Indictnent, if they were not all spoken together?

Smith. One thing I do remember more, that you said that Day. You said there was a Word hey called Canting; but for your Part you sid not understand what it meant, unless it were this; You said, you chanced to go by one of the great Churches; where peeping in, you saw a Man with a White Surplice, and he Organs were going, and they were canting, and singing the Litany, the Creed, and the Ten Commandments with a Ha ha-ha-ha. For your part, you were ashamed to hear it; and this you said was all the Canting you snew.

Mr. Att. Gen. You will draw this upon your elf.

Mr. Rosewell. I am very forry to hear this ndeed, my Lord.

Lord Ch. Just. So am I too, with all my

Heart, I'll affure you.

Mr. Rosewell. You say you set down the Words the same Day, when you came Home? Smith. Yes, I resolved so to do, when I came way from the Meeting, to write them down s soon as I came home.

Mr. Rosewell. Did you confer with any body

bout these Words?

Smith. Not till I came to a Justice of Peace, and discovered it.

Mr.

Mr. Rosewell. What Justice of Peace was that whom you discover'd it to?

Smith. The Recorder of London.

Mr. Rosewell. And you swear these were the Words that I spoke?

Smith. Yes, as near as I can remember.

Lord Ch. Just. If she swear the Substantial part of them it is enough, tho' the very exade Words she doth not swear: For the Words are laid in this Indictment in Latin, and by way of Assertion.

Mr. Rosewell. Your Lordship will pardon my

weakness, I am ignorant of the Law.

Lord Ch Just. And we will take care you shall have nothing done to your Prejudice that is against Law.

Mr. Rosewell. I humbly thank your Lordship. Mrs. Smith, upon your Oath you say

Mr. Shed was at that Conventicle?

Smith. Yes, he let me in at the Door, and was Angry with me that I would come so near the Place with my Pattens; he said it might give occasion of Suspicion.

Mr. Rosewell. You were saying you heard him

Expound. Where was that, pray?

Smith. Yes that I did, at Mr. Crookshank's House; and I heard him another time.—

Mr. Rosewell. What was the Day in August

that you say you came first to hear me?

Smith. I do not fay it was in August, but in July that I came first to hear you, the 20th of July.

Mr

Mr. Rosewell. You say I preached in the Pubck Meeting-Place; What day was that pray? Smith. The 10th of August, to the best of sy remembrance; it was the fourth Sunday, so I remember that I heard you there.

Mr. Rosewell. Have you not Sworn against

onventicles in other Places?

Smith. Yes.

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Mr. Rosewell. What Conventicles?

Smith. If my Lords please to ask me, I shall ive them an Account.

Mr. Rosewell. Have you, or have you not? Smith. Yes, several; tho' I never heard any hing spoken in any of them against the King, ut at yours.

Mr. Rosewell. Did you swear a Conventicle

gainst one Mr. Hales.

Smith. I swore it by Confession.

Mr. Rosewell. Were you at that Conventicle? Smith. No, I was not, but I swore it by confession.

Mr. Rosewell. What day was that Conven-

Smith. As they told us, it was the 13th fuly.

Mr. Rosewell. Was there any thing done up-

n that Conviction?

Smith. Yes, he paid his Money that was fet pon him, and never made any Appeal; His Vife confessed it.

Mr. Rosewell. What other Conventicles have

ou been at?

Smith. Concerning you, do you mean?

Mr.

Mr. Rosewell. No; any other Conventicles of the Fanaticks that you have Sworn against.

Smith. I do not know whether that be a proper Question.

Mr. Rosewell. What say you, Mrs. Smith?

Lord Ch. Just. No, no; that you must not

ask her, that is to accuse her self.

Mr. J. Holloway. You must not ask her to any thing but that you stand here charged with.

Lord Ch. Just. You must not ask her any thing that may make her obnoxious to any Penalty.

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Mr. J. Walcot. Do you ask her any other

Questions?

Mr. Rosewells I will presently, my Lord, l beg your Patience.

Lord Ch. Just. Ay, Ay, take your own time power. Rosewell. Pray, Mrs. Smith, were your Witness against a Conventicle at one Mrs. Batho's?

Smith. Yes, that I had by Confession of he own Mouth.

Mr. Rosewell. Was there not some Money as offer'd her—

Lord Ch. Just. That is not to be asked, you must not ask her any Question that may make her accuse her self Criminally.

Smith. Never by me, Mr. Rosewell.

Mr. Rosewell. I beg your Lordship's Pat

Lord Ch. Just. I'll tell you the Reason for it, and it is that which ought to be satisfaction

fory to you or any body. They are not bound to answer any Questions that you ask the Witnesses, whereby they charge themselves with any Crime, or by answering may subject themselves to any Penalty. Whether it be so or no, you must not ask them, but prove it.

Smith. I never did offer any, my Lord. Mr. Rosewell. I thought I might offer any

thing against what she had Sworn.

Lord Ch. Just. Prove what you can in your Time; but do not ask her any fuch Quefions. The Law is fo, and the same for you as it is for every body else.

Mr. Rosewell. Mrs. Smith, you swear these Words were spoken in the Forenoon upon that place, the 21st of Genesis, one after another.

Smith. Yes; those Words, as near as I can

peak them, were spoken then.

Lord Ch. Just. Are those the Words you heard

at that time?

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Smith. In Substance they are, my Lord; as near as I can discover.

Mr. Rosewell. I have no more Questions to

isk her at present, my Lord.

Mr. Att. Gen. Pray, Mrs. Smith, since he has farted fuch a Question; Have you been tamper'd with, and been offer'd any Money; and

what, and for what?

Smith. There came one Cartwright, and one Norton to me one Day, I cannot give an acount exactly what Day it was; and first they pake to me about Mrs. Batho's Business, and aferwards they fell into Discourse about Mr. Rose-

mell, and they told me, They wonder'd I would have my hand in any Man's Blood. Said I to them, Suppose you had heard what I did, what would you have done? Says Mr. Norton, you had better take 20 Guineas, and not appear against him, faid he; not that any body, that I know of, that he is concerned with, will give you that Sum of Money, but you had better take Says I, what is the Truth no money nor Gold shall buy me off from telling. What was Truth I would fpeak, and no more; and I had already given Evidence of it, and would not retract it. Said Mr. Cartwright then to me, But if you had not discovered it, nobody Said I, yes; others heard it as else would. well as I.

Mr. Att. Gen. Has any body else tamper'd with you? have you had any Letter sent to you?

Smith. Nothing till Yesterday morning: A

Letter came then.

Mr. Att. Gen. What was that? Smith. I suppose my Lord saw it.

Mr. Att. Gen. Ay, But you must tell the Jury

what it was.

Smith. One came to my Brother's, and brought a Letter thither, which I read over; and he said to my Brother, if I could be any ways Assistant to Mr. Rosewell in not coming in against him I might have 200 l. paid down to Morrow, not that Mr. Rosewell knew of it, or would give it me, but it was a Wager that was lay d. Some said he would be hang'd, and

nd some lay'd he would not; and so he said the would come and give me an Account who the was that spoke to him.

Mr. Att. Gen. My Lord, we have done with

er now. Call Mrs. Hilton.

Mr. Rosewell. Will your Lordship please to adulge me so far that I may ask her another Question or two?

Lord Ch. Just. What is it you would have,

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Mr Rosewell. I desire her before she goes out

o recollect one thing.

Lord Ch. Just. Nay, nay, she shall not go way; If you have a Mind to ask her any hing before she goes away, do so; or she shall ome again if you have any Questions to put o her.

Mr. Att. Gen. My Lord, she is big with Child, and cannot well crowd in and out.

Lord Ch. Just. If she be with Child, then

et her sit upon the Stool there.

Mr. Rosewell. With your Lordship's Indulgence, I would ask Mrs. Smith this Question; The Gentlewoman that was with you, Mrs. Hilton, I think you call'd her, Did she agree with you as to the same Words, and as to sime and Place?

Smith. If you please to examine her, I sup-

ofe she will give you an Account.

Mr. Rosewell. Then I would ask her this Question, with your Leave, my Lord; wheher was that other Gentlewoman with you n the same Room?

E 2

Smith.

Smith. Yes, she was, and sate upon the Bed with me, and I pulled her by the Sleeve when the Words were spoken, to take notice of them. Mr. Att. Gen. Come, Mrs. Hilton, Give my Lord and the Jury an Account; have you been at this Conventicle at any time, and what have

you heard there?

Hilton. I came to Mrs. Smith's on Saturda Night, and on Sunday Morning I went with her to this Place; I was never there before in my Life, they faid it was one Daniel's Houle one Capt. Daniel's; it was near West-Lane in Rotherhith. And when we came there, there was one that Mrs. Smith knew, that stood at the Door, they call him Paul Shed, a little Man: And when we came to the Door, he faid to us Pull off your Pattens, fays he; for they will give too much Occasion of Distrust of Peoples coming So we pulled offour Pattens, and faid we would take care the next time. When we came in, we went through a kind of a Hall, and when we came there into the Hall, there wasa little Parlour against it: we went up the Stair, and when we came up Stairs, there were two more Rooms; that Room we came into was hung with fad-colour'd Paper, and upon the Left hand there stood a Sweetwood kind of Cheft, a little Cabinet, and a little Glass over Mr. Rosewell came, and stood at the Entrance in of the Door; so there was a little Child in bed when we came up, and we fate down on the other Side of the Bed; and the Child was taken out of the Bed presently after.

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sterwards. Mr. Rosewell preached upon the 20th or 21st Chapter of Genesis, I cannot be positive which of them, but one of them it was.

Mr. Rosewell. But upon your Oath cannot

ou tell which it was?

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he tly Lord Ch. Just. You must not interrupt her, Sir; you shall have your time to ask her what you will.

Hilton. It was the 20th or 21st of Genesis, will not be positive which of them it was. But the thing was as to Abraham, and Sarah; hat was the Contents of the Chapter that Mr. Rosewell was then pleased to preach upon. After he had took his Text, and preached a ttle while, he said, the People went flocking to he King to cure the King's Evil, which he could ot do; for they ought to flock to them, that were Priests and Prophets, who by their Prayers could ure their Grievances. Then he preached a great vhile of the Chapter following agen; and then ays he, We have had two wicked Kings that have uffered Popery to come in under their Noses, which can compare to nothing but the most wicked Jerooam. There was another King named, and think it was Rehoboam. I cannot be positive s to that, but Feroboam I am fure was named. Then he said, If the People would stand to their Principles, he did not Question but to overcome all beir Enemies with broken Platters, Rams Horns, nd a Stone in a Sling. These were the Words Mr. Rosewell was pleased to say.

E 3

Lord

Lord Ch. Just. Can you remember what Day of the Month this was?

Hilton. It was the 14th of September, my

Lord.

Lord Ch. Just. Do you remember what

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Number of People were there?

Hilton. I believe there were four or five Hundred People; there was a Garret full, and two Rooms below, the Parlour full, and the Hall full; and one Paul Shed, (as Mrs. Smitted me his Name was,) let us in. I did not know any of them; nor ever had Convicted any of them; that was the first time I ever was at a Meeting in my Life, and I had enough of it then.

Lord Ch. Just. You say you came on Satur-

day Night to Mrs. Smith's House.

Hilton. Yes, my Lord.

Lord Ch. Just. What time that Night? Hilton. About Eight or Nine a-Clock.

Lord Ch. Just. What time in the Morning did you go along with her to this place?

Hilton. We went by Seven a-Clock in the

Morning.

Lord Ch Just. Did Mr. Rosewell come before you, or after you?

Hilton. No, he came presently after we

were there.

Lord Ch. Just. Do you remember any other

Words he utter'd there that Day?

Hilton. He was pleased to talk of several things between whiles in his Sermon; among the rest, I heard him speak about Canting He

He faid there was a Word they called Canting, but he did not understand what that Word meant, except it were the Fellows in their White Gowns. For he was going by one of their Churches, where he heard them fing the Lord's-Prayer, the Creed, and the Ten Commandments, with a Ha-ha-ha-ha-ha; for my part, fays he, I was ashamed to hear it.

Lord Ch. Just. Do you remember any other

part of the Discourse?

Hilton. He had a great many other of those things, that I cannot now remember; it affrighted me to hear it, out of my Wits.

Lord Ch. Just. Where did you go from

thence?

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Hilton. We went Home to Mrs. Smith's. It was two a-Clock, and we had not eat a bit of Bread all the while; and as foon as she came Home, Mrs. Smith took her Pen and Ink prefently, and writ down those Words; her Husband, and I, and she, were together; and when we had done this, we went to the Quaker's Meeting.

Lord Ch. Just. What Quaker's Meeting is

that?

Hilton. It is that by Cheapside; I do not well remember the Name, I think it was called the Bull and Mouth.

Mr. J. Holloway. What time of the Day was it that the Meeting was done at Mr. Rosewell's?

Hilton. We came from Mr. Rosewell's a lit-

tle after Two a-Clock.

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Lord Ch. Just. From Seven to Two did he

hold? that is pretty long winded.

Hilton. No, he went into Dinner, and lest us there, and Abundance in the Congregation eat Sweet-meats, or Biskets, or such things as they had. But I am sure we had nothing there. I was never among you before, nor ever Convicted any of you.

Mr. Rosewell I humbly beseech your Lord. Thip to make her sensible of the Obligation she

is under by her Oath.

Lord Ch. Just. Ay, Ay; I will. Look you Mistress, you must take Notice, here is the Life of a Man in question, which is a thing of great confideration. And for you to have any concern in taking away the Life of a Man, it it be upon false Grounds, is a very dismal thing; besides, that there is a thing which is yet of greater weight, and moment to you your felf, it concerns your own immortal Soul. You must consider, what Guilt you contract upon your felf, if you tell a Lie; but there is a much greater Guilt contracted, if you offer to swear a Lie in a Court of Justice, upon a Cause of this Concernment. Consider, I tell you, you are in the Presence of Almighty God, that feeth into the Hearts of all Mankind; that is, the Avenger of all Lying and Perju ry; that may justly sink you into Hell if you offer to swear a Falshood. Therefore, I charge you, in the Name and Presence of that great God, the Judge of Heaven and Earth, to anfwer

wer me truly to this Question: Are these

hings that you have Sworn here true?

Hilton. My Lord, they are every Word rue. There is a Gentlewoman here, one Mrs. Collingwood, that shall Witness, I set them lown that Day; and went away to the Recorder, and gave him an Account of them.

Mr. Att. Gen. Well, if you have done, go

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Lord Ch. Just. No, hold Sir, will the Prioner ask her any Questions?

Mr. Rosewell. Yes, my Lord, with your

Leave.

Lord Ch. Just. Ay, in God's Name, what you will, that is fitting to ask.

Mr. Rosewell. Mistress, what is your Name?

Hilton. My Name is Hilton.

Mr. Rosewell. Was your Name ever Shaftoe? Hilton. Yes, but my Name now is Hilton.

Mr. Rosewell. Or otherwise Smith, I suppose;

for I have heard fo.

Hilton. No, Sir.

Mr. Rosewell. Then Mrs. Hilton, upon the Oath you have taken, (for I hope you have observed what my Lord has said to you about d, the Sin, and Danger of False-swearing.)-

Hilton. Mr. Rosewell, God forbid I should fland here to tell such a Lie as this; if it were not all Truth to my Knowledge, I would rather speak less then more.

Mr. Rosewell. Were you at Rotherhith that 14th Day of September?

Hilton. Yes, I was. I was with Mrs. Smit at her House over Night, and went with he to Rotherhith at Seven a Clock next Morning.

Mr. Rosewell. Whose House were you a

there?

Hilton. I cannot say whose House it was a my own Knowledge, for I was never ther before in all my Life; but they faid it was on Captain Daniel's House.

Mr. Rosewell. What Street was it in?

Hilton. I do not know what Street it wa in, it was near West-Lane.

Mr. Rosewell. What kind of Buildings were

there in the Street?

Hilton. Over against it, a little way from the House, is a Bridge, that we went over; believe it may be fome ten or twelve Doors from the House.

Mr. Rosewell. In the Street, you say, over

against the House?

Hilton. A little way from it. Mr. Rosewell if you do remember, (I can remember their to things very well,) there were Shutters in the Windows, and the Sun came in, and you were afraid lest the People that went by should hear you. First, There was not light enough, and you defired that one part of the Shutters might be opened; which was done: And then you defired that half might be shut again, for feat di the People should over hear you.

Mr. Rosewell. What kind of Entrance is there

into the House?

Hilton.

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Hilton. There is an Entry, and from the entry we went into a little Hall, the Rooms were but of a low Height.

Mr. Rosewell. Was it in an upper Room, or

lower Room that I preached?

Hilton. It was in an upper Room, you were there up two Pair of Stairs, the Chamber was hung with fad coloured Paper, and a fad coloured Bed was in the Room; upon the Left-hand. as you stood, there was a Chest of sweet Wood food, and a little Cabinet upon it, and a Glass over that; and upon the Right-hand, on the ide of the Chimney, was a Closet. I took very good Notice of all these things.

Mr. Rosewell. Two pair of Stairs, upon

your Oath, you say it was?

Hilton. Yes, It was two Pair of Stairs, upon my Oath, Sir.

Mr. Rosewell. How many Steps, Mrs. Hilton,

were there?

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Hilton. They were low Stairs, eight or nine to a Pair, I think; I did not number them, Mr. Rosewell.

Mr. Rosewell. The other fays, there was a little Room up fix Steps; and that I was but

one Pair of Stairs high.

Hilton. And there was a Garret, my Lord; which I am fure there was above four Hundred People there at that Meeting.

Mr. Rosewell. Did you see that Number of

People there?

Hilton. Yes, I did.

Mr.

Mr. Rosewell. If you were within in the Room, how could you see them all there that were below, and in the Garret, as you say?

Hilton. When you went down to refresh your felf, to Dinner, as I suppose; said I to Mrs. Smith, for the Lord's sake let me go out, for I am affrighted out of my Wits to hear such Stuff as this.

Lord Ch. Just. Frightful Stuff indeed.

Hilton. Says she, you cannot go out till they all go; there is no Body to let you out; but I would fain have been gone out thence.

Mr. Rosewell. What time did you come this

ther, fay you?

Hilton. We came by Seven a-Clock in the Morning.

Mr. Rosewell. How did the Exercise begin!

Hilton. Between Seven and Eight.

Mr. Rosewell. I do not ask you what time,

but how it began.

Hilton. You made a kind of a Prayer, I do not understand your way, for I never was used to your Meetings, I never was at any before in my Life. You took your Text, (I cannot be positive which, but it was) either out of the 20th or 21st Chapter of Genesis.

Mr. Rosewell. But can you remember these

Words, and not the Chapter?

Hilton. I can tell you more that you faid, if you pleafe.

Mr. Rosewell. Mrs. Hilton-

Lord Ch. Just. Let her go on; you ask her a Question, and will not stay for an Answer, but

but go to another thing. She is telling you what was done.

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er, ut Hilton. This I am positive in, it was the 20th or 21st Chapter of Genesis; the Story was about Abraham and Sarah, how he bid her call her self his Sister.

Mr. Rosewell. That is the 20th Chapter. Lord Ch. Fust. Nay, I suppose you can renember the Text better than this Woman.

Hilton. I believe it was the 20th, that you did most expound upon that Day; for you said at last Abimelech made Abraham a Present, which you did think might be about 20 Guineas.

Mr. Rosewell. I see you are through paced. Lord Ch. Just. Methinks she brought away much of your precious Stuff for one time upon my word.

Mr. Rosewell. How long did you stay there, Mrs. Hilton?

Hilton. I stay'd there from the time you came in till the end of all; about Eleven or Twelve a Clock you went down to Dinner; They that were there stay'd till you came up agen, which was in the Afternoon; and then you began upon a Text which you took in the Psalms, I think; I cannot positively say where; but a new Text you did take, that you did.

Mr. Rosewell. In the Psulms do you say?

Hilton. And if it please you, Sir, I never saw you but then, and now, in my Life.

Mr. Rosewell. What Habit was I in?

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but go to another thing. She is telling you what was done.

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much of your precious Stuff for one time upon

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Mrs. Hilton?

Hilton. I stay'd there from the time you came in till the end of all; about Eleven or Twelve a Clock you went down to Dinner; They that were there stay'd till you came up agen, which was in the Afternoon; and then you began upon a Text which you took in the Psalms, I think; I cannot positively say where; but a new Text you did take, that you did.

Mr. Rosewell. In the Psulms do you say?

Hilton. And if it please you, Sir, I never saw you but then, and now, in my Life.

Mr. Rosewell. What Habit was I in?

Hilton. You had a Chamlet Cloak on that had an Eye of blew in it, and a mourning Hatband about your Hat; and upon the Bed-side by me sate Mr. Atkinson in a mourning Cloak, and his two Boys.

Mr. Rosewell. There was some Stop or Paule

you fay; you call it a Dinner?

Hilton. You went down to Dinner, I suppose; I know not where you were.

Mr. Rosewell. Pray how did the Exercise be-

gin in the Afternoon?

Hilton. I cannot very well tell.

Mr. Rosewell. Was you there to the End of it?

Hilton. Yes, to the very End of all.

Mr. Rosewell. What Psalm was read, or what

Chapter that I preached upon?

Hilton. Sir, I cannot remember what your Pfalm is. These are the Words that you said, and that you Preached. Sir, I cannot remember how all these came in, nor all the Stuff that was said.

Lord Ch. Just. She fays she cannot remem-

ber all your Stuff.

Hilton. I was never used to a Conventicle in my Life; and I would I had not been there then.

Mr. Rosewell. What was the Text I preached

upon?

Hilton. In the Morning it was, I tell you the 20th or 21st Chapter of Genesis. But the Heads of your Sermon, and after you had talked about the King, and all those things, was about Abraham and Sarah—

Mr.

Mr. Rosewell. But what was the Text in the fternoon?

Hilton. I cannot tell that truly.

Mr. Rosewell. Then upon what Occasion were to the Words in the Morning about flocking to the King to cure the Evil?

Hilton. Sir, you faid-

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Lord Ch. Just. How can any body tell what casion you could have. You had no Occasion om that Text, nor any other Text that I now of to talk of the King, or the King's vil.

Mr. Rosewell. But I speak of the Coherence

the Discourse, my Lord.

Lord Ch. Just. You Preach without any Corence, or you had never been brought here. Then you give your self the Liberty to talk these things, you ramble from your Text. Mr. Rosewell. I mean by it, my Lord, what art of the Chapter it was that did lead to it. Lord Ch. Just. No Man living can tell; it as the Devil led you to talk Treason; The dictment tells you so, that you had not the ear of God before your Eyes, but were moved and seduced by the Instigation of the Devil do it. Who leads People to do all sorts Wickedness but the Devil? you can give reason for it your self, nor no one else.

Mr. Rosewell. Were these Words delivered all

the Forenoon Discourse?

Hilton. I do not know what you call Fore. on, or Afternoon: I am fure we had no inner.

Mr.

Mr. Rosewell. But was it all before or after broke off, and went down?

Hilton. Before, Sir.

Lord Ch. Just. She says it was before you went to Dinner; but for her part she had no Dinner at all she says. If you have done with her, then go on Mr. Attorney.

Mr. Att. Gen. Where is Mrs. Joan Farrar?

Farrar. Here I am, Sir.

Mr. Att. Gen. Pray will you tell my Lord, and the Jury; were you present at this House when Mr. Rosewell preached there?

Farrar. Yes, Sir, I was.

Mr. Att. Gen. What did you hear him fay?

Farrar. Do you ask me of the 14th of September first, Sir?

Mr. Att. Gen. Yes.

Lord Ch. Just. Why were you there at any other time?

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Farrar. Yes, feveral times.

Mr. Att. Gen. Well, take your own way delivering your Evidence, and give an Account

what you know of the Prisoner.

Lord Ch. Just. But, hark you, be fure you tell nothing but what is Truth. You must consider, here is the Life of a Man at the stake and your own immortal Soul is at stake to You are in the Presence of the great God of Heaven and Earth, that seeth into all you Actions and Thoughts, and searcheth the Hearts of all Mankind, and therefore have Care of contracting any Guilt upon your selections.

by telling any Lie; be fure to fay nothing but

what is Truth.

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Farrar. Sir, I was not in the Room with him; I was in a Parlour or Hall, what do you all it, a low Room; and he was up Stairs bove it.

Mr. Att. Gen. But were you in the Congregation? Were there any other of the Hearers n that Room among whom you were?

Farrar. Yes, Sir; there were a great many

f them there, Sir.

Mr. Att. Gen. Well, what did you hear him

ay?

Farrar. Sir, concerning the Evil was the inft thing I heard him fay; and he made it so, hat it was not the King that cured it, but t was they, they should Flock to. It is we they hould Flock to, fays he; for we are they which are the Priests and the Prophets, that y our Prayers do cure the Grievances of the People.

Mr. Att. Gen. What did you hear him fay

nore in that Discourse?

Farrar. The next that I observed was, he aid, we had had now two wicked Kings toether; but I could not tell who he compared hem two wicked Kings to; but he bid the eople stand to their Principles, and in time hey should overcome their Enemies.

Mr. Recorder. Pray have you heard him at

Mr. Recorder. Pray have you heard him at

ny other time?

Farrar. Yes, I have heard him at other imes.

Mr.

Mr. Recorder. Did you take Notice of any thing he faid against the Government?

Mr. Rosewell. I beseech your Lordship, may

these leading Questions be asked?

Lord Ch. Just. Yes, I have told you already to shew your Practice. It is not at all a lead ing Question. What did you hear him fay a anyother time about the Government?

Farrar. In a Mill, it was by Rotherhith-Well at one Hudson's, he prayed that he might no offend the Lord in not praying for the King but the Lord might please to open his Eyes or turn the Times.

Lord Ch. Just. Can you remember when that

was?

Farrar. It was the 17th Day of July,no, of August to my best Remembrance; and upon the 17th Chapter of Genesis.

Lord Ch. Just. That he preached upon there

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did he?

Farrar. Yes, Sir.

Lord Ch. Just. Did you hear him say an thing at any other time?

Farrar. Yes, Sir.

Mr. Recorder. What do you remember about People in Scarlet?

Lord Ch. Just. Tell us what you have hear

him fay elfe?

Farrar. At West-Lane end, at one Pan Shed's, I heard him preach concerning the Fire of London about eighteen Years ago. Tha there was a certain great rich Man, that live in Gracechurch-Street; he said, he needed no Name

Name him, he supposed they all knew who he was; and he said there went a poor Man to him, not a poor Man neither, but a Carpenter, an House-keeper, a labouring Man, and told him how to quench the Fire; and then he preached, that if it had not been for that great Man that Fire had not been; nor the Fires in Southwark or Wapping, if it had not been for the Lord Mayors and Sheriffs since.

Lord Ch. Just. Have you any more to ask her? Mr. Recorder. What have you heard him say

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Mr. Att. Gen. No, my Lord, we have done, I think.

Lord Ch. Just. Answer my Brother Jenner's Question.

Mr. Recorder. What about People in Scarlet? Farrar. Then after he had preached concerning the Fire, he faid it was a fine Sight to see Fools in Scarlet Gowns; and he heard the Recorder was to be made a Judge.

What do you make of this Brother Jenner?
Mr. Rosewell. God forbid, my Lord, this

should be true.

Lord Ch. Just. You fee she Swears it.

Mr. J. Withins. Mr. Rosewell, will you ask

her any Questions?

Mr. Rosewell. Mistress, you say you were at the Meeting on the 14th of September; pray

in whose House was it?

Farrar. It was at a House at the end of West.

Lane; there are a row of Houses that face to the Fields.

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Mr.

Mr. Rosewell. But whose House was it? Farrar. They faid it was one Daniel's House, Mr. Rosewell. In what Room of the House

were you?

Farrar. In the lower Room.

Mr. Rosewell. Did you see me there?

Farrar. Sir, you were gone up Stairs be. fore I came in.

Mr. Rosewell. You did not see me there

upon your Oath?

Farrar. No, my Lord, I did not see him. Lord Ch. Just. She faid at first, you were gone up before she came, and she was in a

lower Room.

Farrar. But I knew his Voice.

Lord Ch. Just. Did you know his Voice? Farrar. Yes, Sir; I had heard him feveral times.

Mr. Rosewell. Did not you tell some Body

that you heard none of these Words?

Lord Ch. Just. Were you a Sleep all the while?

Farrar. No, Sir, I was not a Sleep, I did not Sleep while I was in the Room. I never Slept in your Presence in my Life.

Mr. Rosewell. Were you there at the begin-

ning? What time came you in?

Farrar. Sir, I believe you had read half your Prayer; I was at the beginning of the Sermon.

Mr. Rosewell. Who came along with you? Farrar. I came alone; my Child was not well, and fo I came late.

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Mr. Rosewell. What was the Chapter I was upon?

Farrar. It was upon the 21st of Genesis,

Sir.

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Mr. Rosewell. Upon what Verse of the 21st of Genesis, that you heard these Words?

Farrar. I cannot tell what Verse it was.

Mr. Rosewell. I ask, my Lord, because I went distinctly upon Verses.

Lord Ch. Just. Prithee Man, I care not how

thou went'st on.

Mr. Rosewell. Cannot you tell how they came in?

Farrar. No, Sir.

Lord Ch. Just. Nor any one else, I dare say; how such Words can come in.

Mr. Rosewell. Were the Words spoken together in that Exercise that you have Sworn?

Farrar. Yes, in that Exercise.

Mr. Rosewell. How long did you stay there? Farrar. Till you had done, I believe it was two a-Clock.

Mr. Rosewell. Was it in the Forenoon?

Farrar. We had no Dinner at all; I cannot tell what you call Forenoon, or Afternoon.

Mr. Rosewell. Was it all spoken upon that

Chapter, upon your Oath?

Farrar. Truly, Sir, I think it was upon your first Text.

Lord Ch. Just. If you have done with her,

let her go over.

Mr. Att. Gen. We shall call one or two more of his Auditors at other times, that will give F 3 fome

fome Account of his Way. Where is your Man, Mr. Atterbury? What is his Name?

Mr. Atterbury. Peter. But here is one of the

Witnesses.

Mr. Att. Gen. Swear him then. What is his Name? (He was sworn.)

Mr. Atterbury. Robert Cook, he fays.

Mr. Recorder. Were you an Officer in this place?

Cook. Yes, in St. Mary Maudlin's I was; St. Ma.

ry Magdalen's Bermondsey Parish.

Mr. Recorder. Were you at the executing of any Process against Rosewell's Conventicle.

Warrant from Sir Thomas Jenner, to serve at one Weldy's House a Brick-layer in Rotherhith; and when I came to the House to serve it, there was abundance of People, and a great Riot was made, but no Blows I confess; but a great Tumult of People, that had not I, and the Beadle, one Samuel Bennet by Name, caused the People to stand clear, I do not know but there might have been mischief done. Of which, we upon that gave an Account to Sir Thomas Jenner; and he hath Bound some of the People over to the Sessions.

Lord Ch. Just. What do you mean by this,

Gentlemen?

Mr. Att. Gen. My Lord, we have done; this is only about some Disturbances that the King's Officers meet with, in executing Process against these Conventicles.

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Lord Ch. Just. But what is this to the Pri-

Mr. Att. Gen. Here are some would have him called; but I confess we cannot make any use of his Evidence against the Prisoner, only as to what is hinted in the Indictment, that he did it to disturb the Peace.—

Lord Ch. Just. Pish, that is nothing, the Officer did his Duty; but what is that to this Business? Have you done, Gentlemen for the

King?

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Mr. Att. Gen. Yes, my Lord, we have done. Lord Ch. Just. Then Mr. Rosewell, now is your time to make your Defence; and you shall have time to make it as full as you will.

Mr. Rosewell. My Lord, may I have the Fa-

in Latin?

Lord Ch. Just. Yes, yes, If you will. Read it agen.

Mr. Rosewell. I humbly thank your Lord-

ship, only the Words, my Lord.

Cl. of Crown. (reads.) In quadam illicita affemblat, in prasentia & auditu diversorum subdit' dicti Domini Regis, adtunc & ibidem illicité & seditiose assemblat' & congregat', asseruit & declaravit quod populus (subdit' dicti Domini Regis nunc, innuendo) coadunationem secere (Anglice made a Flocking) dicto Domino Regi nunc, sub pratextu sanandi morbum regni (Anglice the King's Evil) quod ipse (dictum Dominum regem nunc, iterum inuendo) facere non potest;

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sed nos sumus illi (feipfum Thomam Rosewell & al? feditiofas & proditor' person' inuendo) ad quos illi (ligeos fubdit' dict' Domini regis nunc, inuendo) debent accedere (Anglice Flock to) quia nos (feipfum predict' Thomam Rosewell & al' fedit' & proditor' person' iterum inuendo). sumus Sacerdotes & Propheta qui precibus, dolores ipsorum (ligeos subdit' dicti Domini re. gis nunc, iterum inuendo) sanaremus. Nos (sub. dit' & ligeos hujus regni Angliæ inuendo) habuimus nunc duos iniquos reges (Serenissimum Caro, lum primum nuper regem Anglia, & dict' Dominum regem nunc, inuendo) insimul, qui permiserunt Romanam superstitionem (Anglice Popery) ingredi (infra hoc regnum Angliæ inuendo) in eorum conspectu (Anglice under their Noses) qui (prædictum Carolum primum nuper regem Angliæ & dictum Dominum regem nunc, inuendo) assimulari possunt ad nullam personam nist ad nequissimum Jeroboam. Et si ipsi (divers' maledisposit? & sedit' person' adtunc & ibidem cum prefat' Thoma Rosewell illicite & seditiole assemblat' & congregat' existen' inuendo) 4d fundamental' ipsorum permanerent (Anglice would stand to their Principles) ipse (seipsum Thomam Rosewell inuendo) non timebat quin ipsi (feipfum Thomam Rosewell & prædict' maledispos' & sedit' person' sic ut prefertur assemblat' inuendo) inimicos suos (dictum Dominum regem nunc, & ligeos subdit' ipsius Domini regis nunc, inuendo) vincerent, sie ut in pristino tempore cum Cornubus ariet', patinis fractis, (Anglice broken Platters) & lapide in funda (Anglice Sling &c.

Mr. Rosewell. If it please you, my Lord, that which I object against, and desire to be satisfied in by your Lordship, is this; I am charged with speaking words about Flocking to the King o cure the King's Evil; and it is in the Insistence called Morbus Regni Anglici, that is, he Disease of the English Kingdom—

Lord Ch. Just. No, no; It is Morbus Regni

Anglice, the King's Evil.

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Mr. Rosewell. I do not understand how Mor-

us Regni can be the King's Evil.

Lord Ch. Just. Therefore because there is no up Word in the Law for that Distemper, they nelp it up by the Word Anglice to shew what they meant.

Mr. Rosewell. But my Lord, I understand here are proper Words for the Disease; as Struma, and Scrofula, those are proper Words

or it, not Morbus Regni.

Lord Ch. Just. Not at all in Law, those may be the words used among Physicians; but in Legal Proceedings we are to keep up exactly to the Legal Names, and Phrases; and where we have not an usual word, then we help it up by Anglices: And so here we express that very Distemper, which is called by the Name of the King's Evil, by a Word framed as near to a Law Phrase as we can; and to shew our meaning in it we add Anglice, the King's Evil.

Mr. Rosewell. My Lord, is that the Phrase hat is proper for it in Law?

Lord Ch. Just. Yes, yes, it is very well expressed to shew what is meant.

Mr. Rosewell. But my Lord, Morbus Regnis in English properly the Disease of the King.

dom.

Lord Ch. Just. It is so, the Disease of the Kingdom; if they had gone no surther, but lest it there it might have had such an Interpretation put upon it. But because the words are so ambiguous in Latin, they are reduced to a Certainty, by putting an Anglice to them.

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Mr. Rosewell. I thought it had been Anglici. My Lord there is another Phrase that I object against, it says Nos habuimus nunc duos inques Reges insimul. My Lord, this cannot be understood of two Kings one after another; but insimul makes it to be both at once.

Lord Ch. Just. No, we have had now toge

ther two wicked Kings.

Mr. Rosewell. That we do not use to express fo in Latin.

Lord Ch. Fust. The Words do thus found

English.

Mr. Rosewell. Here are two Words In simul and nunc that do signify the presentine. My Lord, I am now only speaking at this while upon the Hypothesis that these Words were spoken by me; for I still do and always must deny the Thesis.

Lord Ch. Just. We take it so.

Mr. Rosewell. It should have been Successive Lord Ch. Just. Then it had not agreed with your Words. For the Witnesses swear that you

ogether, and not fuccessively.

Mr. Rosewell. If that be an Anglicism, this

annot be true Latin.

Lord Ch. Just. Nay, if it be a Blunder in he Latin, it was a Blunder of your making; or you spoke it so in English, and the Indictment in Latin must exactly pursue your English.

Mr. Rosewell. Then, my Lord, here is anoher Expression, that they suffered Romanam su-

erstitionem, Popery to come in.

Lord Ch. Just. Ay, is not that well expressed? Mr. Rosewell. My Lord, there may be Superstition in the Worship of the Church of Rome, and yet that not be the Thing we call

Popery.

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Lord Ch. Just. There may so, you say right; but then this comes under the same reason, as the former Phrase you objected against about Morbus Regni. Because Romana superstitions such a general Word, and because there are leveral Superstitions in the Romish Church, abundance of them; and this may make it uncertain; and because we have no other Word to express what we call Popery by, therefore there is an Anglice put in, to shew what is meant.

Mr. Rosewell. Then, my Lord, it is said in compettu: is that right, my Lord?

Lord Ch. Just. Yes, Anglice under their Noses.

Mr. Rosewell. That is in their Sight.

Lord Ch. Just. Pray how would you put that

into Latin, under their Noses?

Mr. Rosewell. My Lord, if I should speak as cording to the other parts of the Latin of the Indictment, which your Lordships says mulexactly pursue the English, I would render it Sub naribus illorum.

Lord Ch. Just. Such People suffer Conventicles under their Noses, in eorum Conspectu.

Mr. Just. Holloway. 'Tis not your Nose that fees.

Lord Ch. Just. Suffer Rebellion under you Noses; are these things Sub naribus, or in Con

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Mr. Rosewell. My Lord, this could not possibly be spoken of the late King, and this King, when the Precedent King died a professed zea lous Protestant; and his present Majesty has soften, and earnestly declared against it.

Lord Ch. Just. We know that very well but yet withal we know 'twas the Pretence Popery and Arbitrary Power, and those Thing that brought that blessed Martyr to the Scalfold; and the great Cry now at this Day by all Factious, and Seditious busy Fellows, is a gainst Popery; as if it were just breaking upon us, and the Government abetted it; when it is all False, nothing more untrue; the ladictment calls it so, says these Words are spoken falso, & malitiose; and all Treasons are so.

Mr. Rosewell. Then, my Lord, there is and ther thing, Si ipsi starent ad Fundamentalia eorum Anglice it they would stand to their Principles

Principals; for I know not how it is in the ndictment. Pray, my Lord, How comes Fun-

amentalia to signifie Principles?

Lord Ch. Just. Their Principles, that is their nul oundations, or Fundamentals. If the Founations be destroyed, what can the Righteous do? eth it by Fundamentalia.

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Mr. Rosewell. Then it is si ipsi in the third erson; now, my Lord, in common Sense that huft needs refer to the two wicked Kings, that vere spoken of just before; or to the King, nd his Subjects spoken of afterwards; and hen sure it cannot be Treason.

Lord Ch. Just. No, they; that is, I and you hat are here. 'Twas spoken to your Congreation. If they would stand to their Princiiples; then come the broken Platters, &c.

Mr. Rosewell. If it were spoken to them, nd of them, it must have been you, or we. Then it is added in the end, my Lord, Fractis atinis, broken Platters: Your Lordship has emembred me of that Word. My Lord, I id hear that Mrs. Smith did Swear at King ston Isizes, it was Pewter Platters.

Lord Ch. Just. I do not know what she swore here; now I am fure she swears as it is in

ne Indictment.

Mr. Rosewell. Mrs. Smith, Pray did not you wear it was Pewter Platters at Kingston? Smith. No, I never said otherwise than I do ow; and that is, broken Platters.

Mr. Rosewell. I did hear she swore Pentito then. But, my Lord, I conceive, if it reserves to me, and the People that were there, it should have been as the former Sentence is in the sirst Person; We have had, &c. but here it is changed into the third Person, and therefore cannot be so meant.

Lord Ch. Just. But it plainly speaks its own meaning, that it is meant of the People there.

Mr. Rosewell. My Lord, then as to these Inuendo's, I see there are Eight or Ten of them. Whether are these to make such a Construction of a Man's meaning, which doth not otherwise sufficiently appear, as to bring a Man under the Guilt of Treason?

Lord Ch. Just. I tell you, the meaning is plain; if you and we, such false Traytors as are said to be there Assembled with you, will but stand to our Principles, we shall overthrow and destroy our Enemies with broken Platters and Rams-horns.

Mr. Rosewell. It is faid here iffe non timebal quin—Of whom should I speak that ipse?—

Lord Ch. Just. You were speaking of your felf and your Congregation.

Mr. Rosewell. But that is in the third Per

fon, and the fingular Number.

Mr. Sol. Gen. No, the Jurors that find this Indictment fay, that he faid so, and that must be in the third Person.

Mr. Rosewell. That is not according to the rest.

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Mr. Just. Withins. They, is the People with him; and he, is he himself; that is plain, and can have no other Construction.

Mr. Rosewell. Now, my Lord, will your Lordship please to accept a free Declaration of

the Truth of this matter?

Lord Ch. Just. Ay, Ay, go now to the Fact; now we are got over the Exceptions to the Indictment. To answer the Fact is most pro-

per at this time.

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Mr. Rosewell. Then here in the Presence of the great God of Heaven, the righteous Judge of all the Earth; before whom you and I, and all that are here, must one Day appear, at that terrible Bar of impartial Justice, (and a glorious Tribunal it will be,) to give an Account of all things that we have done in the Body, whether they be Good or Evil; and I am told by my bleffed Redeemer, (who shall also be my Judge that Day,) that an Account must be given of every idle Word that I shall utter, how much more of Lying, and Perjury, and False-witness bearing, as your Lordship, (I humbly thank you for it,) did very seasonably suggest to those that have witnessed these things against me; I say, in the Presence of that great God, and this Honourable Bench of Reverend Judges, and you Gentlemen of the Jury and my dear Countrymen, that have been now Sworn, as well as returned by the Process of Law for that end; I do here most solemnly declare the Truth unto you, as in the Presence of this God I shall answer it hereafter

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after. And I shall begin with the latter part of these Words first; where this Indictment ends; for that feems to refer to some thing of the late Times, and also to my Treasonable Intentions now. My Lord, and dear Countrymen, because I heard something mentioned as to the late unhappy Civil Wars in these Nations; I can declare, my Father was no ways concerned in those Wars, for he was Dead before they began; and I was then but a Child, and did not understand the thing. But for the Death of the King, (Death did) fay? that is too foft a Word; the Murther, the barbarous Murther of His Majesty King Charles the First, whom I had once the Happiness to fee the Face of; or rather the Unhappiness to fee in respect of his Condition at that time; being at Dinner under a Tree, with some few Persons about him, which very much affected my Heart, tho' then but Young. So far was l from being one that would compare him to Jeroboam, &c. as your Lordship will hear, that) I always bewailed and abhorred that Act. For my present Sovereign, I declare in the Present fence of God, I honour him with my Soul, and daily pray for him; and if I could do him any real good, I would Sacrifice my Life molt chearfully to do it; I would die at his Foot to do him any real good. My Lord, I was once threatned with the Loss of my Life for de en claring for his Majesty in his Exile; when, it is well known, few durst appear in those Days on the behalf of an injured Prince. It was pi objected

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bjected against me, that I never prayed for liver Cromwell, that had Usurped the Governnent. My Lord, I could not do it, for I new he stood upon a false Bottom; he was n Usurper. And for declaring, that the kingdom would never be at Peace till the light Heir, our Sovereign that now is, were estored to his Right, I was threatned that a libbet should be set at my Church-Porch, and Hanged upon it, or at my own Door. I reached upon that place of Scripture, Ezek. 1. and the 27th Verse, I will overturn, overun, overturn; and it shall be no more, until he me whose Right it is, and I will give it him. And declared in my Sermon the several overturns to gs, that God hath given them then in Power. and tho' they threatned me, yet God pre-rved me then here at Home, as he did my ear Sovereign Abroad; for whom I have praymany Hundreds and Thousands of times.

In the and it is well known, immediately after his hat) fajesty's happy Restoration, I did upon one his Majesty's Days preach upon that Sub-A; For the Transgressions of a Land, many shall the Princes thereof. I preached concerning him he Excellency of Monarchy, which I shewed not be the chiefest and best of Governments, acticed almost every where: And I proved from the Example of the great God of Heade en, the Monarch of all the World, down to , it me of the meanest Species of Creatures. I ewed it was the Government God had fet was p in his Church; appointing the Lord Christ to

to be King there: Among the Angels there wa the Prince of them: Among the Celestial Bo

dies, the Sun in the Firmament-

Lord Ch. Just. Mr. Rosewell, I am very un willing to give you any Interruption, because of the Condition you stand in, being a Pri foner pleading for your Life, upon an Accusa tion of High-Treason. But I must tell you these things that you have now insisted upo are not at all to the purpose, as to what yo are brought here for. You are not here Ar raigned for your good Works, but for you evil Works. If you commend your felf to two Hours together, it fignifies not one Far thing; and the Gentlemen of the Jury mu let it all go for nothing. It only ferves t please your Humour of talking, and captivat the Auditory; but is not at all to the purpole Keep close to the matter, that it is incumber upon you to answer; to the Business you ar upon here. It is our Duty, who are upon a Oaths, and who are accountable to the Go vernment and the Law for what we do, fee that things be done according to Law You are not here called in Question for you good Words, or Actions; but for Treasonab and Seditious Words. I would to God, yo had never done worfe than what you have said of your self. But here is an Indicamen for Traiterous Preaching at one particula Place, and one particular Time; answert that, The Jury must go, not according to you way of Speaking; but according to the Er dend

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dence, relating to the Matters laid in this Indictment. Do not talk of your Preaching for Monarchy; and your Overturn, Overturn, Overturn; for if this be true, that the Witnesses have Sworn against you, you have at once overturned all the good you ever did, or said in your Life before.

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Mr. Rosewell. My Lord, I know very well, one such evil Action is enough to marr a Life of former good ones. But this that I have said was to shew, how inconsistent those things that they have Sworn, are with my constantly

declared Judgment and former Practice.

Lord Ch. Just. There are Abundance of People to whom the King has formerly extended Mercy, not only his Pardon, but even all the Promotions their ambitious Fancies could make them pretend to: But 'tis well known, the Devil has not had more ready Instruments to carry on bloody Designs for the Murthering this Gracious King, their Princely Benefactor, than these very Men that were thus gratisfied and advanced by him. Therefore, we can say nothing to what is alledged of former Loyalty; the Devil surprizes Men into these things; they do them as the Indictment says, by the Instigation of the Devil. Keep to the matter before you.

Mr. Rosewell. Well then, my Lord, to cut short. As to the Business since his Majesty's Return: I have been a constant Observer of his Days; and particularly the 30th of January, I have always observed as a Day of Humilia-

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tion: And I did upon one of those Days

preach upon that Text-

Lord Ch. Just. And all this fignifies just not thing; and upon that Day you went to a Conventicle against the Law, and Preached there; which shews, what a conformable Man to the Government and the Law you are. You can have your Congregation of Hundreds of People, and I know not what; now I tell you all this makes nothing against you, nor doth all your Commendation make any thing for you.

Mr. Rosewell. My Lord, I do not know any Law of the Land that is against Preach-

ing the Gospel.

Lord Ch. Just. Yes, in Conventicles to preach,

is against the Law of the Land.

Mr. Rosewell. My Lord, I humbly conceive it is the Circumstance of Number that makes the Transgression.

Lord Ch. Just. It is not only a Circumstance, but the Substance to preach in a Conventide,

and all against Law.

Mr. Rosewell. If you call that a Transgreffion to preach the Gospel, I humbly acknow-

ledge my felf a Transgressor.

Lord Ch. Just. I tell you it is a Transgression; but it is not such a Transgression as that for which you are here Indicted: But because you commend your self so much; a Man, I must tell you, that every Day doth notoriously transgress the Laws of the Land, need not be so fond of giving himself Commendations for his Obedience to the Government and the Laws.

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Mr. Rosewell. My Lord, I was only saying that upon the 30th of January I preached upon that Text; I Tim. ii. 1, 2. I exhort therefore, that first of all Supplications, Prayers, Intercessions and giving of Thanks be made for all Men; for Kings and all that are in Authority; that under them we may lead quiet, and peaceable Lives, in all Godliness and Honesty.

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Lord Ch. Just. Amen! I say to that Petition.

Mr. Rosewell. Amen! I am sure I say to it, with all my Soul; and it is my daily Prayer to my God for my Sovereign. And here I shewed, that it was the Duty of Subjects to pray for their Prince—

Lord Ch. Just. I tell thee, I care not a Farthing what thy Text was, nor thy Doctrine; I wish you had been at Church tho, and been conformable to the Laws. But this is nothing to our Business.

Mr. Rosewell. I had therein a sharp Reproof and Invective against those that instead of praying for their Civil Head, cut it off; and those that design and plot against the Government.

Lord Ch. Just. You did abundance of good by your Sermon, no doubt; I shall not now stand to examine that.

Mr. Rosewell. So far was I from harbouring any Traiterous thought———

Lord Ch. Just. Come, Come; All this is besides the Cushion; come to the Matter that is
here before us, Man. I would not restrain you
of any part of your Defence, either in Time, or
any thing else; but let us not have the time

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taken up with that which no way concerns our Question. Our Business relates to what was faid at your Meeting, at that Timethe

Witnesses speak of.

Mr. Rosewell. Then, my Lord, as to the Truth of this particular Case, I shall now declare all that past then; as in the Presence of that God who fearcheth the Heart, and trieth the Reins, and who shall judge us all. Upon the 14th Day of September last, I did preach to some People that were met at a Friend's House, one Capt. Daniel in Rotherhith: and as my Course hath been to expound the Scriptures, (to make them understand them) I was, my Lord, that Day upon the 20th Chapter of Genesis. The Chapter is about Abraham and Abimelech King Now, my Lord, will you please that I shall deliver to you what was said, by repeating it by Word of Mouth, or read it-

Lord Ch. Just. No, no; I do not defire any of your Expositions, or Preachments; Answer to the Indictment, and what is charged upon

you there.

Mr. Rosewell. My Lord, I am about it, in telling you what was really faid; and I ask the favour of delivering in Court what I then delivered to them. My Lord, it was thus: In the 2d Verse it is said, And Abraham said of Sarah his Wife, she is my Sister; From whence I observed, that he had been guilty of this once before, in the 12th Chapter, when he told the very fame Lie to Pharoah King of And thence I raised this Note, That a Good

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Good Man, or a Friend of God might fall into the Sin once and agen. And in proof of it, I brought three, or four Instances. That of Lot in the foregoing Chapter, his falling twice into the same Sins of Drunkenness and Incest with his own Daughters. That of Sampson, in the 16th of Judges, (and there came in the mention of Dalilah, that she spoke of, which she only remembers the Name of, and not the Truth of the Quotation.) That of Peter's denying his Master, Once, twice, and agen; first, with a Lye; fecondly, with an Oath; and thirdly, with an Imprecation. But the Proof which they in this Point have most distorted, is that of Fehosaphat, who sinfully joyned with two wicked Kings: First, with a wicked Father, Ahab in his Expedition into the Land of the Syrians against Ramoth Gilead, 2 Chro. 18th Chapter; for which he is reproved as a great Transgressor, and threatned by the Prophet in the 19th Chapter, and the beginning: And yet he afterwards joyned with another wicked King, Ahaziah, Ahab's wicked Son, to go to Tarshish; as we may see in the 20th Chapter, and the latter end. And here, my Lord, is the whole of the Business concerning the two wicked Kings. In the Presence of the Holy and great God there was not one word spoken of the Kings of England, either King Charles the First, or his present Majesty. This was as to the two wicked Kings. And then, my Lord, I came to the 7th Verse, which has these Words, He is a Prophet, and he shall pray for thee, and thou

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thou shalt Live. Upon this I observed, That the Prayers of God's Prophets have been very prevalent for the Healing, and helping of others in a time of need. And three Proofs I brought of this: The last of which, was that of the Prophet Isaiah's praying for King Hezekiah in the time of his great and dangerous Sickness. But that which has reference to this Business was that out of the 1 Kings 13. and the beginning; When the Prophet came to Bethel, and there rebuked Jeroboam, and prophesied against the Altar there; Jeroboam put forth his hand, and shook it at him, and said, Lay hold of him; upon which the King's hand was dried up. Thereupon the King intreated the Prophet, that he would pray unto the Lord his God for him, that his hand might be restored, which the Prophet did; and the King's hand was restored again, and became as it was before. And here is the Business of Feroboam. In the Presence of God, I speak it, there was not any the least comparison of my Dear Sovereign to that accurfed wicked Prince 7. roboam, who made Israel to Sin: No, my very Soul trembled at the Thoughts of it when I heard it. Upon this Head I had this Sentence, or Observation (which I will give you to a Word.) If I were to die the next Moment, and to appear before the glorious Tribunal of the Heavenly Majesty, I tell not the least Lie, or Equivocation, or Prevarication) That a Godly Man's Prayer is a sovereign Cure of the King's Evil; whereby the meanest, or the poorest Christian may gratify, and serve the greatest Monarch.

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Monarch. And this is not my Saying neither, ut the Saying of an Expositor upon that very lace of Scripture, out of whom I did quote . Nor did I speak of it, or he write of it, vith respect to that particular Disease, that he Indictment calls Morbus Regni, but the king's Evil as the King's own Disease, in reerence to Abimelecb; who was King of Gerah. for it followeth in the Close of the Chapter, fod heard Abraham's Prayer, and healed Abimeech and all his House. But as for that Word hey speak of; of the Peoples flocking to his Maesty to cure the King's Evil, which he could not o; and that we were Priests and Prophets to shom they must come for Cure; in the Presence f the Eternal God there was not a Word of t. Then, my Lord, for that of the Ram'sorns; I shall observe how that came in by nd by; but first I would premise, That all his that has been now spoken of, was upon he Exposition of that Chapter in the Morning. n the Afternoon I preached upon a particular lext; I began with the reading of a Psalm, nd a Chapter; and fo far I conceive it was fter the Manner and Usage of the Church f England, which enjoyns the reading of the criptures as Part of its Worship. I Preach'd pon the 11th of the Epistle to the Hebrews, nd the 12th Verse, (tho' one of the Witnesses aid it was a Pfalm)-

Lord Ch. Just. She would not be positive, ut she thought a Psalm, she could not tell.

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Mr. Rosewell. My Lord, it was the 11th Heb. v. 12. the Words are thefe, Therefore Spran there of one, and him as good as Dead, so man as the Stars of the Sky in multitude, and as the Sand which is by the Sea-shore innumerable. Upon which I had this Note, That the great God on effect great Matters by very small and unlike Means: As here, (of one) what was less than one? none at all: And this one too as good a Dead; and yet from him to raise as many a the Stars in the Sky, and the Sands on the Sea shore. What great things did God effect by the Rod of Moses? which was but a little Wand in his Hand, and yet a Sign and Symbol of Authority; as our Sheriffs white Staves are. Never was there any great Plague to be fent upon the Enemy of God, and his Church, Pharon and his Egyptians; but upon the stretching forth that little Rod, it came. And so, at the Siege of Fericho; What dreadful Dilapidations in that great City, did the Sound of the Rams-horns make? What a Terrible Army of the Ene mies of the Israelites did Gideon's small Holl destroy, with a few broken Pots or Pitchers! id (much less did I mention Platters, or Pewter Dishes; as I have been informed they first Swore.) And what a tremendous Champion did David strike down with a Stone in a Sling! And what a glorious Work did our Lord Christ, her the Son of David, do, in his curing the Blind m Man with a little Clay and Spittle; more vill likely to dam up the Eyes of one that could lin well see, than to open the Eyes of one that was born

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rn Blind. Now here, my Lord is the whole uth in the Presence of the Eternal God. Here our Lordship sees is mention made upon the cond Verse of the Twentieth of Genesis of vo wicked Kings; but how? not (as they we represented it) with any Reflection upon e Kings of England: Nor were they spoken that order as they have Sworn them; but I have now repeated them. Here is menon of healing the King's Evil, and of Feroam; but no way in that manner as they fay. nd here is likewise mention of Rams-horns, oken Pitchers, and a Stone in a Sling; but t with the least application to the Governent, or reference to it, or Reflection upon it the King: and this is the Truth. ade an ingenuous Confession of the whole as passed, that your Lordship may see how uch I am abused by these false Wretches. nd if they have so good Memories as really, nd indeed to remember what was then faid, teir Memories and their Consciences cannot ut go along with me, and confirm what I have id; that all that was spoken by me that Day, as as I have related it, without the least Reection upon, or Application to his former Mafly and our present Sovereign, or either of lem, or any thing relating to the Governtent. And if you be not convinced here, I m fure there will a Day come wherein you vill find and see, that these are none of the ing's Friends, but his Enemies, that thus ave falfly accused an innocent, faithful, Loyal

Subject of Treason; a Crime which my ver Soul abhors the thoughts of. In Proof whereof if your Lordship will give me leave, I will now call my Witnesses to Testify the Trut of all this Matter. And after this free and in genuous Confession of the Truth, and what the Witnesses I shall call will testify about it I hope, and trust inmy Good God, that he will let you, my Dear Countrymen, see the Truth and Sincerity of my Heart in whatever Words were spoken by me. Had I been guilty of those Things that are laid to my Charge, I were not worthy to live. Pray, Mr. Cryet, Call Mr. Thomas Hudson.

Lord Ch. Just. Ay; Come, call your Wit-

nesses.

Mr. Rosewell. My Lord, One thing I would defire to speak of to your Lordship. Your Lordship was speaking, that what I declared of my former Loyalty was nothing to what the Witnesses have deposed; My Lord, I have read in a true History, (I think the Scriptures will be owned by all Persons that are here to be such,) of two salse Witnesses, they were such; they are called Sons of Belial; (I pray God these be not accounted Daughters of Belial) that Swore Naboth did blaspheme God and the King. Doth your Lordship believe it?

Lord Ch. Just. What would you have of us,

Man, by that Question ?

Mr. Rosewell. I am confident, my Lord, your Lordship, and the Court, do not believe he did so.

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Lord Ch. Just. The Scriptures tells us it was e Scriptures, because we do not believe reach in your Conventicles? We do believe e Scriptures, Man; and we believe too they we been perverted by you, and other People, very ill Purposes. Yes, I do remember the ory of Naboth; and to shew you that I can member some Holy History as well as you; can tell you of another Story, and that is e Story of Susanna, and the Elders; and there as Circumstance of Time and Place testified ; but it seems they were defective in their roof, and thereby discovered. You would well to detect these Witnesses if you can, some Contradiction, or Falshood; that will o you more Service, than all your Harangues and Speeches.

Mr. Rosewell. The God of Heaven will do it is Day, I trust; for to him I have open'd

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Lord Ch. Just. Well, well, Call your Wit-

esses, and Prove what you can.

Mr. Rosewell. My dear Redeemer himself ras served so; nay, condemned by the Testiony of salse Witnesses. (Mr. Hudson came in.)

Lord Ch. Just. Come, here is your Witness; What say you to him?

Mr. Rosewell. Mr. Hudson, were you present the Meeting at Rotherhith on Lord's Day the

4th of September last?

Mr. Hudson. Yes Sir, I was fo.

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Mr. Rosewell. Here is Mrs. Smith hath swon that since the beginning of August, we had meeting in our Publick Meeting House; We there any, pray Sir?

Mr. Hudson. There was none such, that

know of.

Mr. Rosewell. She swears, that we were a the House of Captain Daniel Weldy's the 14 of September. Was it so?

Mr. Hudson. No, Sir.

Mr. Rosewell. What Place was it then?

Mr. Hudson. It was one Capt. Daniel's.

Mr. Rosewell. That is the same, as they say Mr. Rosewell. The first Witness, Mrs. Smit said Capt. Weldy's; indeed, the other said Cap Daniel's.

Lord Ch. Just. She said she was told so, he she could not tell; but she remembers yo pray'd for him, and his Child too who we then ill.

Mr. Rosewell. Pray Sir, as to the Trutho the Business; Did you hear me speak of tw wicked Kings? That, my Lord, came in, I is upon the second Verse of the 20th of Genesh which I then was expounding.

Lord Ch. Just. Nay, ask him in General whe he heard you fay? and whether he heard you fay any thing of two wicked Kings, and what

it was?

Mr. Rosewell. Ay, about Ahab, and Ahazi

Lord Ch. Just. Nay, nay, I must have non of those Things, we must have fair Question

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put; for, as you see we will not admit the King's Council to put any Questions to the Witnesses, nor produce any Witnesses against you, that are leading, or not proper, so, nor must you: But if you have a Mind to ask him any Questions, what he heard concerning two wicked Kings generally; do so.

Mr. Hudson. Upon the 2d Verse he was then.

Lord Ch. Just. Of what Chapter?

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Mr. Hudson. Of the 20th of Genesis. I was then in the Place, and writ. He was upon the fecond Verse, and concerning Abraham's denying of Sarah his Wife. Says Mr. Rosewell, doth Abraham here fall, again into Lying? I thought he had fmarted enough in the 12th Chapter, for the same he told to Pharoah: And doth he fall again, and not take warning by it? From that you may take notice, that the best of God's Children may fall agen and agen into the same Sin. And there you quoted what Mischief good Jehosaphat had like to have brought upon himself, by joyning with two wicked Kings: First, with wicked Abab King of Israel; and, after he was reproved for it by the Prophet, yet he fell into the same Sin agen, by joyning with Ahab's wicked Son King Ahaziah. And so he quoted Sampson, who got Mischief by taking a Wife among the Daughters of the Philistines; and yet after he had felt some smart and hurt by it, yet like good Jehosaphat, and good Abraham, he falls into the fame Sin agen, by going to Tinmah and taking Dalilah.

Mr.

Mr. Rosewell. What faid I, pray, upon the Seventh Verse?

Mr. Hudson. The Seventh Verse was, conconcerning God's appearing to Abimelech in Dream; where God fays, He shall pray for the for he is a Prophet, and thou shalt be healed. And there Mr. Rosewell spoke concerning the Worth and Value of the Prayers of God's Prophets: wherein he instanced in one thing, that they were good to cure the King's Evil. And he quoted several Texts of Scripture of the Worth and Value of them; and among the rest was that in the First Book of Kings, the 13th Chapter, and the 6th Verse, wherein the Prophet came to reprove Jeroboam at the Altar a Bethel; and the King stretched forth his Arm and bid lay hold on him, and the King's Hand was dried up: Upon which, the King faid to the Prophet, Intreat now the Face of thy God for me, and he did fo; the Prophet prayed unto the Lord, and the King's Arm was restored whole as the other. And he did quote that of Hezekiah too.

Mr. Rosewell. My Lord, this Man did take Notes; and therefore may be the more exact.

Mr. Hudson. Yes, my Lord, I have my Notes, and can read them at large; and I did

generally write, my Lord.

Mr. Rosewell. Then, pray Mr. Hudson, will you declare, whether you heard any thing in that Exposition or Discourse, concerning Rams-horns, broken Platters, and a Stone in a Sling?

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Mr. Hudson. That was in the Sermon, Sir; the Afternoon.

Mr. Rosewell. She swears it was all in the

Morning Discourse.

Mr. Hudson. There was not such a Word in hat, as I know of. The Sermon was not in he Morning; you did only Expound, as you sed to do, in the Morning.

Lord Ch. Just. If you have done with him, would ask him a Question or two. Hark ou, Sir, Pray what time did this Exercise be-

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Mr. Hudson. It begun about Eight a Clock.

Lord Ch. Just. What number of People do
on think there were there?

Mr. Hudson. I cannot Judge how many they

vere.

Lord Ch. Just. How many do you think?
Mr. Hudson. I believe there were a matter forty or Fifty there.

Mr. Hudson. Alas, we could see but in one

Room.

Lord Ch. Just. What Room were you in?
Mr. Hudson. I was in one of the Chambers.
Lord Ch. Just. How many Pair of Stairs high?
Mr. Hudson. Two Pair of Stairs high.
Lord Ch. Just. Did you see Mr. Rosewell?
Mr. Hudson. No, I could not see him at

Lord Ch. Just. Was there ever a Bed in the Room where you were?

Mr. Hudson. No, my Lord, there was not.

Lord

Lord Ch. Just. Was there a Dinner-time be tween?

Mr. Hudson. There was at Noon a Resting a little while.

Mr. Hudson. Yes, my Lord, he did, I be lieve, go down Stairs.

Lord Ch. Just. Do you remember any thing that was spoken of Sampson and Dalilah?

Mr. Hudson. Yes, as I said before, there was about Sampson's going down to Tinmah to take Dalilah; shewing his failing, how he fell twice into the same Sin.

Lord Ch. Just. Did you hear any Discourse about Canting? Did you observe he used that Word Canting?

Mr. Hudson. No, not that Day, as I know of.

Lord Ch Just. Did you ever hear him use a that Word?

Mr. Hudson. Yes, I did one Day.

Lord Ch. Just. Ay; What did he say that W Day about Canting?

Mr. Hudson. I am not able to tell you very plexactly.

Mr. Hudson. I do assure your Lordship, I know not how to repeat his Expressions about it.

Lord Ch. Just. For look you, Sir; Tho' you are not upon your Oath, because the Law doth not allow it; yet the same thing that I told those Witnesses before, the same I must tell

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be you; you must consider, Friend, you come ere to serve no turn, nor Party; you are in he Presence of the great God of Heaven and Earth, who will call you to Account for every hing you Testify here; and therefore without any Subterfuges tell us the Truth, and the whole plain Truth without Welt or Guard.

Mr. Hudson. My Lord, I will not deny one Tittle of the Truth, nor tell any thing that is intrue. I know I am in the presence of a great Court of Justice, and in the Presence of

he God of Heaven.

Lord Ch. Just. Tell us then, what the Pri-oner said about Canting.

Mr. Hudson. He was speaking of the wicked Men of the World, that when they spoke conterning ferious Religion called it Canting, and ays he, what is Canting? Canting fays he, is a whining Tone.

Lord Ch. Just. Did you hear him speak any thing concerning Organs, and Surplices, and

white Gowns?

Mr. Hudson. No, my Lord; nothing of Surplices nor white Gowns.

Lord Ch. Fust. Nor any thing concerning Or-

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Mr. Hudson. No; but something he had concerning the Cathedrals, and their canting Tone there.

Mr. Rosewell. Will your Lordship accept an Ingenuous Confession from me my self about this Matter?

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Lord Ch. Just. No, no, Mr. Rosewell, that will not be Evidence; you can neither acquit, nor condemn your self by these Things either confessed or denied. It is your Witnesses that I must ask, and that I expect an Account from Therefore I ask you Friend, and pray recollect your self, How was it that he talked concerning the Canting in Cathedrals?

Mr. Hudson. Truly, my Lord, I cannot give a better Description of it than I have done. For I neither do particularly remember what time it was that I heard him use that Expression, nor can I tell you where it was; neither

where, nor when.

Mr. Rosewell. Shall I tell your Lordship the Occasion—

Lord Ch. Just. Why do you think I believe any Word you say, notwithstanding any Imprecations or Asseverations you make about your Self? It must neither weigh with the Court nor the Jury; we must go according to the Evidence. St. Peter himself, that you say you talked of, denied all with a great many Asseverations; but that Denial did not make him Innocent, no it was his Sin. So all your Imprecations, and Asseverations and Assimulations of your own Innocence, do not signify one Farthing to this Cause.

Mr. Att. Gen. Hark you, Mr. Hudson; Let me ask you one Question. Pray when Mr. Rosewell had explained those Texts of Scripture, did he not use frequently to make Application of

his Quotations?

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Mr. Hudson. Yes, my Lord.

Mr. Att. Gen. Then, pray Sir, after he had spoken of the two wicked Kings, how did he

apply that?

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Mr. Hudson. My Lord, I will tell you how he applied it. After he had made those Quotations, says he, take notice, if Abraham sell, and good Jehosaphat sell, and Sampson sell, and Peter sell, then what are we? Let him that standeth take heed lest he fall: and that was the Application he made of it.

Mr. Att. Gen. Do you speak to all that Mr. Rosewell spoke in that Discourse at that

time touching these Matters?

Mr. Hudsan. No, Sir, not all; I cannot remember all: But the Substance of the distinct Heads I do remember.

Mr. Rosewell. Then about the King's Evil;

how did you apprehend it was meant?

Mr. Hudson. My Lord, I do not believe he spoke it with respect to that Disease which we call the King's Evil; because he spoke it with reserve to the Disease that the King was under.

Mr. Rosewell. Did you hear any thing about

Twenty Guineas?

Mr. Hudson. No, I did not hear a Word of

any Guineas that Day.

Mr. Sollicitor Gen. Did you hear him fay any thing about the Peoples flocking to the King?

Mr. Hudson. No indeed, Sir; not I.

Mr.

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Mr. Rosewell. Pray Mr. Hudson, Did I name

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the Word Priests?

Mr. Hudson. No, Sir, I did not hear you name Priests, but Ministers and Prophets; and what a Judgment it was to have the Prophets taken away.

Mr. Att. Gen. Pray recollect your felf, Is that a Phrase they use, Ministers and Prophets; or do not they call themselves Priests?

Mr. Hudson. Ministers and Prophets, my

Lord, are the usual Words.

Mr. Att. Gen. Priests is the Word I am told

they have.

Mr. Rosewell. Then Sir, Pray will you give an Account how that about the Rams-horns came in?

Mr. Hudson. That my Lord was upon that Text, 11 Heb. 12.

Mr. Rosewell. Do you remember what time

it was; Forenoon or Afternoon?

Mr. Hudson. I do remember it was in your Sermon in the Afternoon. The Words are these, Therefore sprang there even of one, and him as good as Dead, so many as the Stars in the Sh in multitude, and as the Sand by the Sea-shore in numerable. From whence he raised this Note, or Doctrine; That the great God could by very small Means bring great things to pass. And then he came to prove his Doctrine, by several Instances. Says he, What great Works did God do by Moses's Rod? And by Gideon's broken Pitchers, routing a whole Army? What great Works has God done by small Means?

That by the founding of Rams-horns the Walls of Jericho should fall down? And what great Wonders he wrought when David slew the tremendous Giant Goliah with a Stone out of a Sling! And what great Works and Wonders did the Son of David our Lord Jesus Christ do, in opening the Eyes of him that was born Blind, with a little Clay and Spittle? The Application of that was, A little Grace—

Lord Ch. Just. We do not desire to hear your

Applications.

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Smith. My Lord, If your Lordship please, Mr. Hudson used to Expound himself.

Mr. Hudson. My Lord, I use to repeat what

I write, in my own Family, that is all.

Lord Ch. Just. Yes, no doubt he is a most excellent Expositor; there are several People take upon them to expound that can neither read, nor write. But pray Friend, let me ask you one Question more; Was the Captain, at whose House you were the 14th of September, at Home or at Sea?

Mr. Hudson. My Lord, he was not at

Home, but at Sea; and is still at Sea.

Lord Ch. Just. Do you remember that he

pray'd for him at that time?

Mr. Hudson. Yes, my Lord, 'twas his common Practice to pray for the Family where-ever he came.

Lord Ch. Just. And did he pray for his Son

that was Sick?

Mr. Hudson. I cannot tell whether he were Sick or no, I do not remember that; but he H 4 prayed

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prayed for the Father and all his Children, the

whole Family.

Mr. Rosewell. Pray did you hear any one Word mentioned of the Kings of England, or of his present Majesty, but only in Praying for him; as I bless God I daily do, that God would give him Grace and all good Things here, and his Glory hereafter?

Mr. Hudson. Not one Word did I hear named of the Kings of England; nor of any Kings but those mentioned in the Scriptures, that were quoted; The Kings of Israel, and the

like.

Mr. Rosewell. Was there any Word spoken about Popery being permitted to come in under their Noses?

Mr. Hudjon. Not one Word of that was

spoken, that I know of.

Lord Ch. Just. Did you hear the King of England mentioned at all that Day?

Mr. Hudson. Yes, in his Prayer. It was his

constant course to Pray for the King.

Lord Ch. Just. Ay; what did he Pray for?

Mr. Hudson. He used to express himself very heartily in Prayer, that God would enable him to Rule and Govern the People under his Charge; and bless him. And he used to say, God forbid that he should Sin against God in neglecting to Pray for the King.

Mr. Rosewell. It was Samuel's Speech to Saul.

Pray Sir, did you hear that?

Lord Ch. Just. Nay, nay, ask him what he did hear you pray.

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Mr. Rosewell. Did I pray about opening the

eyes-Lord Ch. Just. But you must not open your

Vitnesses Eyes: Do not lead him.

Mr. Hudson. It was his common Practice to ray for the King, that God would preserve im from all his Enemies.

Lord Ch. Just. And we fay the same thing

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Mr. Hudson. And that God would remove Il Evil Counfellors from him.

Lord Ch. Just. Ay, no Question.

Mr. Hudson. And establish his Throne in Righteousness, and lengthen his Life, and proper his Reign; and he used to pray as heartiy, and as favourly for the King, as ever I heard any Man in my Life.

Lord Ch. Fust. So there was praying in this Hall, I remember, for His late Majesty; for he doing of him Justice: We all know what

hat meant, and where it ended.

Mr. Rosewell. Mr. Cryer, pray call Mr. George Hall. (who came in) Mr. Hall, Were you preent this 14th Day of September at Rotherhith?

Mr. Hall. Yes, Sir, I was.

When I expounded upon the Mr. Rosewell. 20th of Genesis?

Mr. Hall. Yes, you did fo, Sir.

Mr. Rosewell. Pray will you inform my Lords what you heard me fay.

Mr. Hall. I will inform them to the best of

my Memory.

Lord Ch. Just. What Trade are you, Friend? Mr.

Mr. Hall. I am a Mealman, my Lord. Lord Ch. Just. Well, what fay you?

Mr. Hall. The 14th of September last it was my Lot to hear Mr. Rosewell expound the 20th Chapter of Genesis; as it was his usual Court to expound a Chapter.

Mr. Rosewell. It was not of Choice, but take in Course. And pray what do you remembe was said by me about two wicked Kings?

Mr. Hall. Sir, I remember you brought Scripture concerning Jehosaphat joining wittwo; first of all with wicked Ahab, and after wards with wicked Ahaziah his Son; and you proved it out of 2 Chron. 18th Chap. and 19th and 20th Verses.

Mr. Rosewell. Do you remember there was any one Word spoken of the Kings of England?

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Mr. Hall. There was not one Word of Hipperfent Majesty, nor his Father, nor any of the Kings of England; but of the Kings of Israel Ahab and his Son.

Mr. Rosewell. Well then, concerning Jero boam, what do you remember of that?

Mr. Hall. As to Feroboam——* You were expounding from the 7th Verse of the 20th Chapter of Genesis——And in the opening of that 7th Verse among several Texts of Scripture, Mr. Rosewell had this Note,——Hold—Feroboam.——

Lord Ch. Just. Ay, about Feroboam.

^{*}This Witness was wont to say, that some Person or Persons pinched his Legs as he was giving his Evidence, which occasioned those frequent breaks.

Ms.

Mr. Hall. My Memory fails me— Lord Ch. Just. Ay, so I perceive it doth

vonderfully.

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Mr. Hall. As to Jeroboam; he brought a rext from the 2d Book of Kings, the 13th, and the former part of the Chapter. There was a Man of God that came to Bethel, and Prophesied against Dan and Bethel, and there were these Words, that Jeroboam—

prompt him? Go on, Friend.

Mr. Hall. He Prophesied, that the Bones of the Priests should be laid upon the Altar and Burnt, as we read in that Text of Scripture, a Kings 13. and the beginning. And Jeroboam was there, and put forth his Hand—and bid some Body take hold of him—whereat the Hand of Jeroboam dried up.

Mr. Rosewell. If it please your Lordship I

will call another.

Lord Ch. Just. Ay, ay, you may fet him

going, for he is out.

Mr. Hall. If it please you, I can go a little further. I have something to say as to that—

Lord Ch. Just. You had best go out, and recollect your self; you have forgot your Cue at present.

Mr. Rosewell. Mr. Cryer, pray call Mr. James

Atkinson. (Who came in.)

Lord Ch. Just. You Mrs. Smith, I will ask you, (I will not ask him himself, because he may

may accuse himself by it) Is this the Mile at whose House one of the Meetings was?

Smith. No, my Lord, the former Witner Hudson is the Miller where he Preached.

Lord Ch. Just. Well, what do you ask this

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Witness?

Mr. Rosewell. Mr. Atkinson, were you a our Meeting the 14th of September last?

Mr. Atkinson. Yes, I was there the 14th o

September.

Mr. Rosewell. Were you there at the Be ginning?

Mr. Atkinson. I was there from the Begin

ning to the End.

Lord Ch. Just. Pray, what Trade are you Sir?

Mr. Atkinson. My Lord, I am a Mathematical Instrument-Maker.

Mr. Rosewell. What Chapter was I upon?

Mr. Atkinson. The 20th of Genesis in Course and not out of Choice. His usual Custom was to expound a Chapter before he Preached.

Mr. Rosewell. Pray, what do you remembe

was faid by me of two wicked Kings?

Mr. Atkinson. Of two wicked Kings! Ire member that was upon the second Verse; how Abraham said of Sarah his Wise, She is my Sister And upon that Mr. Rosewell had this Note That a Child of God may fall into the Commission of the same Sin again and again, after he had been reproved and smarted for it. And he quote several Instances: As that of Lot, committing Incest over and over again; that of Peter, deny

g his Lord three Times; that of Sampson out Judges, taking two Wives among the Phifines, one after another; and then quoted nat of Jehosaphat joining with two wicked ings; Ahab, in the 2d of Chron. 18. Chap. ad afterwards, tho' reproved by the Prophet thu, he joined with Ahab's wicked Son Ahaiah.

Mr. Rosewell. Pray, what did you hear of

ne King of England?

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Mr. Atkinson. Not a Word, unless it were his Prayer; in which in arnestly for the King. his Prayer; in which he always used to pray

Mr. Rosewell. What do you remember was

oken about the King's Evil?

Mr. Atkinson. There was an Expression conerning the Evil, upon the 7th Verse; He is a rophet, and he shall pray for thee, and thou shalt healed. And he had this Expression, or to is same Effect, for I hope you cannot expect should speak every Word exactly; but I all endeavour to speak the Sense, and the ruth, as near as I can, and nothing else. He id, the Prayers of God's Prophets were very evalent for the healing and helping others 01 time of need. And he quoted feveral Iner inces; as that out of the Prophet Jeremy, th Chap. and 18th Verse, to the best of my emembrance. And he also quoted that of e 1 King. 13. concerning Jeroboam. The expliet came to reprove him, and Jeroboam etched out his Hand against him, and it ied up; and then he desired of the Prophet

to pray for him; which he did, and his Hand

was healed.

Lord Ch. Just. Look you, what you fay may be true, and so may what they say too; for he might fay both. You used to say abundance of good things, as well as fome bad ones therefore I would ask him this Question, who ther he heard any thing of the King's Evil, or that had any Reference to the King of Eng. land?

Mr. Atkinson. This is all that I heard that comes to my Memory concerning the King's Evil. That a Godly Man by his Prayers may held to cure the King's Evil, and thereby the poore Christian may gratify the greatest King, as says our English Annotator upon that 7th Verse; but I never understood him to mean it of the Dif ease of the King's Evil.

Mr. Rosewell. Do you remember that I Preached in this Discourse about Rams-horns of

broken Platters?

Mr. Atkinson. I did not hear of any such thing upon all that Chapter.

Lord Ch. Just. But did you hear him speak

of any fuch thing at all that Day?

Mr. Atkinson. Yes, my Lord, I did.

Lord Ch. Just. Come then let us have it What was it?

Mr. Atkinson. His Course was after the Ex position, to Preach a Sermon.

Mr. Rosewell. Was it in the Forenoon, or

the Afternoon?

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Mr. Atkinson. It was after the Exposition: e prayed, and then ceased for a Quarter of an our.

Mr. Rosewell. Was it distinct in the After-

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Mr. Atkinson. It was another distinct Disthe purse after the People had received some Rection in the Afternoon; I cannot tell exact. the time. But the Discourse was Preached om Heb. 11. 12. I suppose that I need not peat the Words.

Lord Ch. Just. No, no, I care not for that. Mr. Atkinson. But he thence raised this Dorine, That the great God can effect great Matters very unlikely means; and he instanced in seeral Particulars to prove it. As the Miracles od wrought by Moses's Rod; and the Walls of ericho falling down at the Sound of Rams-horns, the 6th of Fosbua; and then he quoted than Gideon, a dreadful Rout of a great Army, y a few Earthern Pots and Pitchers; and hat a tremendous Champion did David smite own with a Sling and a Stone?

Mr. Rosewell. I have this one Question more ask you; did you hear me speak any thing

fanding to their Principles?

Mr. Atkinson. Not one Word; and I was here all that live long Day, from Beginning End.

Lord Ch. Just. Then, Sir, I would ask you Question or two, if Mr. Rosewell have done vith you.

Mr. Rosewell. I have, my Lord.

Lord

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Lord Ch. Just. Pray, what Room were you

Mr. Atkinson. I was in the same Room than Mr. Rosewell was, he stood at the Door.

Lord Ch. Just. What, one Pair of Stairs?

Mr. Atkinson. Yes.

Lord Ch. Just. Is there not another Room between the Floor or the ground Room, and that you were in?

Mr. Atkinson. Yes, Sir; there is another lit.

tle Room, a little lower than that.

Lord Ch. Just. Was there a Bed in that Room you were in?

Mr. Atkinson. Yes, Sir.

- Lord Ch. Fust. Did you sit upon the Bed?

Mr. Atkinson. I did sit upon the Bed some times.

Lord Ch. Just. Had you a mourning Cloak on that Day?

Mr. Atkinson. Yes, I had.

Lord Ch. Just. Had you a mourning Hatband?

Mr. Atkinson. Yes, I had.

Lord Ch. Fust. Do you remember who fate by you?

Mr. Atkinson. No, my Lord, I do not

know.

Lord Ch. Just. Do you remember any Body gave you your Boy's Shoes from under the Bed ?

Mr. Atkinson. Yes, my Lord; but I cannot tell who.

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Lord Ch. Just. Well then, I ask you, did you near any mention made that Day about Dalilah and Sampson?

Mr. Atkinson. Yes, my Lord.

Lord Ch. Just. You did?

Mr. Atkinson. Yes, my Lord, as an Instance of a good Man's falling twice into the same Sin.

Lord Ch. Just. Did you hear any mention made at that time concerning any other matter that you remember?

Mr. Atkinson. My Lord, that of Sampson and Dalilah, was one of the Instances that I repeated

before.

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Lord Ch. Just. Mrs. Smith, was it the same Day that he spoke about Canting?

Smith. Yes, it was.

Lord Ch. Just. Do you remember, Friend, my thing that was spoken by him that Day concerning Church-musick?

Mr. Atkinson. No, my Lord, not a Word

that Day that I know of.

Lord Ch. Just. Did you hear any thing about Canting that Day?

Mr. Atkinson. No, not a Word.

Lord Ch. Just. Did you hear him talk any

hing of Surplices or White Gowns?

Mr. Atkinson. No, my Lord, not one Word all that Day; but that of Sampson and Dalilah, my Lord—

Lord Ch. Just. You remember that?

Mr.

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Mr. Atkinson. Yes; it was one Instance of good Man's committing the same Crime one and agen.

Mr. Rosewell. Yes, I own it, it was so; bu

not as the other Witnesses swear.

Mr. Atkinson. Truly, my Lord, I would no tell one tittle of a Lie; to the best of my Remembrance—

Mr. Sol. Gen. Pray Sir, let me ask you one Question: I see you are very perfect in the Proofs of the Sermon, Did you take Notes that Day?

Mr. Atkinson. No, I did not, Sir.

Mr. Sol. Gen. Can you remember then any one Observation that he made upon any other Verse? Pray what Observation did he make upon the Eighth Verse?

Mr. Atkinson. None at all.

Mr. Sol. Gen. What upon the 12th or 13th Verses?

Mr. Atkinson. I cannot tell; I can upon the 5th.

Mr. Rosewell. Will your Lordship give m

Leave to acquaint you with that?

Mr. Atkinson. He only explained that which was Difficult; but when it was a little Historical, he only read it. But what he observe upon the Second, and the Seventh Verses was the Substance of the whole Expositional most.

Mr. Att. Gen. Has no body read the Note of that Sermon to you fince?

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Mr. Atkinson. I endeavour'd to recollect my self, after I heard Mr. Rosewell was accused; and writ, what I could remember, down.

Mr. Att. Gen. But did any body read their

Notes to you fince?

Mr. Atkinson. No, indeed, there has no body

read any Notes to me.

Mr. Att. Gen. Upon your Oath how came you to remember the word Tremendous?

Lord Ch. Just. He is not upon his Oath,

Mr. Attorney.

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Mr. Atkinson. Because when he made such hort Notes, I endeavour'd to remember them; I thank God I have a pretty good Memory.

Mr. Att. Gen. Ay, upon my Word, a very frong one.

Mr. Atkinson. He did use the Word tremen-

dous Champion.

Mr. Recorder. Had you and Mr. Hudson any Discourse about this Matter since?

Mr. Atkinson. Yes Sir, we might talk what

we did remember to one another.

Mr. Sol. Gen. Did he write down the Sermon?

Mr. Atkinson. Yes, I suppose he did; but I

did not sit by him.

Mr. Rosewell. Mr. Cryer, Pray call Mr. William Smith. (Who came in.)

Mr. Smith, Were you at this Meeting the 14th of Sept. last?

Mr. Smith. Yes, I was Sir,

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Mr.

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Mr. Rosewell. Pray will you acquaint my Lords, what you heard me say there? What Chapter did I expound?

Mr. Smith. The 20th Chapter of Genesis.

Mr. Rosewell. What do you remember of it.
Mr. Smith. I remember the Chapter concerned Abraham and Abimelech.

Mr. Rosewell. What did you hear of the People's Flocking to the King to cure the King's Evil?

Mr. Smith. I heard no fuch Word.

Mr. Rosewell. Or that His Majesty could not cure the King's Evil?

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Mr. Smith. No Sir, not a Word of it.

Mr. Rosewell. Did you hear any thing at all concerning the King's Evil?

Mr. Smith. Sir, you did quote something out of the Annotator about the King's Evil.

Mr. Rosewell. Do you remember what that was?

Mr. Smith. I cannot remember it fully at length, Sir.

Mr. Rosewell. Pray did you understand it as meant of the King's Evil; or of the Evil of Abimelech, King of Gerar?

Mr. Smith. I did not understand it of the Difease so called; but of the Evil of Abimelech.

Mr. Rosewell. What did you hear concerning Priests and Prophets?

Mr. Smith. You said it was the Function of

the Prophets to pray for the People.

Mr. Rosewell. What do you remember was faid of two wicked Kings?

Mr. Smith. You did make mention of two wicked Kings, Ahab and Ahaziah; that Jeho-aphat sinned, in joyning with them one after mother.

Mr. Rosewell. Was there any thing of the Kings of England, or of my Sovereign?

Mr. Smith. No, not at all, Sir.

Lord Ch. Just. Did you hear any thing con-

erning Jeroboam?

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Mr. Smith. Yes, that Jeroboam stretched forth his hand, and his Hand withered; and the Proohet prayed for him, and his Hand was refored.

Lord Ch. Just. Did you hear any thing in the Exposition of broken Pitchers; I mean in the Forenoon?

Mr. Smith. No, I think not.

Lord Ch. Just. What did you hear of them?

Mr. Smith. To the best of my Remembrance t was in the Asternoon; That God could do great Matters by small means; and you quoted several Things. I did not stand well, so that I could not hear all the Particulars.

Lord Ch. Just. But what did you hear?

Mr. Rosewell. Pray did you hear any Word of standing to their Principles; or of overcomng, that Day?

Mr. Smith. No, I did not.

Mr. J. Holloway. It feems you did not stand in a good Place to hear.

Mr. Rosewell. Mr. Cryer, Pray call Mr. William Bates. (Which he did, but he did not Appear.)

Cryer. He is not here, Sir.

Mr. Rosewell. Pray Sir, call Mr. George Hall then. (Who came in.)

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Were you this 14th Day of September at the Meeting, Sir?

Mr. Hales. Yes, I was, Sir.

Mr. Rosewell. Were you there from the Be ginning to the End?

Mr. Hales. Yes, I was Sir.

Mr. Rosewell. Pray then will you tell m Lord what you heard me say, with referent to Flocking to the King, or curing the King Evil.

Mr. Hales. I heard nothing that you shoul fay of Peoples Flocking to the King; but yo were speaking of the King's Evil, and the was thus; my Lord. It was from the 7 Verse of the 20th Chapter of Genesis; He is Prophet, and shall pray for thee, and thou shall healed. God is speaking to Abimelech in a Dream and after a little Paraphrase upon the Word Mr. Rosewell said, That a Godly Man's Pro was a Sovereign Cure for the King's Evil; an quoted some Scripture Instances; as in 1 King where God having fent a Man of God to R prove Feroboam for his Idolatry, he stretch out his Hand, and his Hand withered; and defired the Prophet to Pray to the Lord God, that his Hand might be restored; accordingly it was accomplished.

Mr. Rosewell. Did you hear any thing of the

Kings of England?

Mr. Hales. No, not one Word all that Day; ply you Prayed for his Majesty as you used o do.

Mr. Rosewell. What do you remember was

aid about Rams-horns?

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Mr. Hales. I remember you were Preaching out of the 11 Heb. 12. and the Words were hese, Therefore sprang there of one, and him as good as Dead, as many as the Stars in the Sky for nultitude, and as the Sand upon the Sea-shore inumerable. From whence he had this Obserration, That God is able to bring great Matters to as by small Means. And so accordingly Mr. Rosewell instanced how the Walls of Jericho were shook down by the Sounding of Ramsiorns; or fomething to that purpose.

Mr. Rosewell. What do you remember of

broken Platters?

Mr. Hales. I remember you brought in an Instance concerning Gideon: and I think it was thus, that by breaking a few earthen Pitchers he routed a great Army.

Mr. Rosewell. And so of a Stone and a Sling. But was there any Thing of standing to Prin-

ciples?

Mr. Hales. Not a Word.

Lord Ch. Just. As you heard? Mr. Hale. That I heard.

Lord Ch. Just Or that you remember?

Mr. Hales. Yes, my Lord. But you said what a tremendous Champion did David flay with a Sling and a Stone.

Lord Ch. Just. Did you take Notes?

Mr.

Mr. Hales. No, My Lord.

Lord Ch. Just. Then pray how came you to remember that Word, Tremendous?

Mr. Hales. I do remember he did use that

Word.

about this Matter since?

Mr. Hales. Yes, I have.

Lord Ch. Just. With whom? Mr. Hales. With several Friends.

Lord Ch. Just. Did you discourse with Athinson about it?

Mr. Hales. Yes, I did.

Lord Ch. Just. Did you with William Smith!
Mr. Hales. No; I do not remember I did.
Lord Ch. Just. Did you discourse with Hullson?

Mr. Hales. I cannot fay I did.

Mr. Att. Gen. Nor you cannot fay you did not Lord Ch. Just. Did you hear any Notes read?

Mr. Hales. I think I did.

L.C. J. Whose Notes were they you heard?

Mr. Hales. Thomas Hudson's Notes, I think;
I am not sure of it.

Lord Ch. Just. It is so hard and difficult to get out the Truth from this Sort of People; they do so turn and wind. How long after the Sermon was Preached was it that you heard the Notes read?

Mr. Hales. I was in the Country when Mr. Rosewell was taken; and when I came Home agen, I heard of it.

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Lord Ch. Just. But you did not remember it

after he was taken?

Mr. Hales. No, my Lord; and I read the hapter my Self, and remember'd these things.

Mr. Sol. Gen. Pray is the Word tremendous Hudson's Notes, or no?

Mr. Hales. I cannot tell, whether it be or

fe.

at the and Expolition, he was upon .o Mr. Att. Gen. Pray when was the next Day fter this? I did saw Jan W . Auf the

Mr. Hales. I cannot tell, I was in the Counhat I cannot tell. y.

Lord Ch. Just. Did he take Notes in Longland, or Short? .bio. I you of

A Stranger that stood By. In Characters, my ry for this Purpole; to fusho

Mr. Att. Gen. Have you not heard him reach fince that time?

Mr. Hales. Sir, I went into the Country foon ter. and you sing to

Mr. Att. Gen. Where was his Text at any her time? can you tell?

Mr. Hales. No, I cannot readily.

Mr. Att. Gen. Nor what he discoursed upon? Mr. Hales. As to any particular time I canot.

Mr. Att. Gen. Do not you remember his

ext at any other Time?

Lord Ch. Just. When was the time before is 14th of September, that you did hear him teach? You have heard him before?

Mr. Hales. Yes, my Lord, I have.

Lord Ch. Just. Was that upon a Sunday?

Mr.

Mr. Hales. Yes, it was.

Lord Ch. Just. Did you hear him the Sunday before?

Mr. Hales, Yes, I did.

Lord Ch. Just. Well, what did he Pread

upon then?

Mr. Hales. This I know, that in his Course of Reading and Exposition, he was upon the 19th of Genesis.

Lord Ch. Just. What was his Discourse up

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on that Chapter?

Mr. Hales. That I cannot tell.

Lord Ch. Just. Nor the Day afterward?

Mr. Hales. No my Lord.

Lord Ch. Just. Upon my Word you have lucky Memory for this Purpose; to serve turn, it can just hit to this very Day. Your very punctually instructed.

Mr. Sol. Gen. Do you remember any other Part of the Sermon of this Day than what

you have related?

Mr. Hales. Yes.

Lord Ch. Just. Ay; tell us what you remember besides.

Mr. Hales. I must consider a little; I as not so ready at it.

Lord Ch. Just. Ay, Come let us hear it.

Mr. Rosewell. These Things he might have more Occasion to recollect by reason of my Charge.

Lord Ch. Just. You say right, just Occasion for this Purpose. But I thought these Me that have such stupendious Memories, as a

verse, and particular Words when it serves a Turn, might remember something before or after, at least in the same Sermon. Why do you think they were enlightned to understand, and remember that one Day more than any other? They can remember particularly as to such Things, and can Clan it together to answer such particular Questions; but as to any thing before, or after, they are not prepared.

Mr. J. Withins. Have you any more Wit-

nesses, Mr. Rosewell?

Mr. Rosewell. Mr. Cryer, pray call Mr. John Wharton. (Who came in.)

Mr. Just. Holloway. Where do you dwell, Wharton?

Mr. Wharton. At Rotherhith.

Mr. J. Holloway. What Calling are you of?

Mr. Wharton. A Gardiner.

Mr. Rosewell. Were you at the Meeting the 14th of September?

Mr. Wharton. Yes, I was, Sir.

Mr. Rosewell. What do you remember pray of the Exposition then concerning Flocking of the People to the King to be cured of the

King's Evil?

Mr. Wharton. Sir, I do remember upon your Exposition of the 20th of Genesis, you were speaking concerning Abimelech King of Gerar; and you took your Exposition thus, That Abimelech had taken away the Wife of Faithful Abraham, that I do remember very well; and that you did say in your Exposition, That

That the Prayers of the Prophet were prevalent for the curing of the King's Evil. And then you brought your Proof to the best of my remembrance concerning King Jeroboam; that Jeroboam stretched out his Hand against the Prophet of the Lord, and that the King cried, Lay hold of him, when he came to cry against the Altar at Bethel, and his Hand dried up; whereupon the King desired the Prophet to pray to the Lord, that his Hand might be restored; and he did so. This was the Exposition that you made upon that Verse in Part.

Mr. Rosewell. Do you remember any thing of Comparing the King of England to Jero. boam?

Mr. Wharton. I do not remember any such Passage.

Mr. Rosewell. Do you remember any thing

about two wicked Kings?

Mr. Wharton. I do remember this Passage, concerning Jehosaphat, that he had fallen twice into the same Sin, by taking part first with wicked Ahab, and then with his wicked Son Ahaziah.

Mr. Rosewell. Was there any thing of the Kings of England mentioned in this Discourse?

Mr. Wharton. No, nothing, Sir. It was but an accidental thing that I heard you then. I heard nothing of the King of England in your Exposition or Sermon, but only in your Prayer; when you pray'd for his long Life and happy Reign.

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Lord Ch. Just. Did you ever hear him before hat time?

Mr. Wharton. Yes, my Lord.

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Lord Ch. Just. Did you ever hear him since?

Mr. Wharton, Yes, once since.

Mr. Wharton. Yes, once fince.
Lord Ch. Just. Now, let us know his Text,

and the subject Matter he was upon since.

Mr. Wharton. Truly, as to the time fince I did not take much Account; for I did not write.

Lord Ch. Just. Canst thou tell us of what

past at any time before?

Mr. Wharton. Once before, I heard him upon the 19th of Genesis, where he made his Exposition—Truly, I have not any Notes—

Lord Ch. Just. Then heark you, Friend, have you spoken with any Body since that 14th of

September that did take Notes?

Mr. Wharton. I am not acquainted much with them that were his constant Hearers that did take Notes.

Lord Ch. Just. But answer my Question that I ask you; did you ever discourse at all about

this Matter? and with whom?

Mr. Wharton. I came thither by my felf, I fay; I had not much Acquaintance with them.

Lord Ch. Just. Nay, do not prevaricate, Friend, with the Court, but speak the Truth out plainly. I ask you in the Presence of Almighty God, did you ever speak with any Body since the 14th of September about this Business?

Mr. Wharton. Mr. Hudson did speak with me about it.

Lord Ch. Just. Did he read his Notes to vou?

Mr. Wharton. Yes, he did.

Lord Ch. Just. It is a strange thing, Truth will not come out without this Wyre-draw ing. You cannot help this Canting for your Life; this is Canting, if you would know what Canting is. Did you ever speak with Hales, or Atkinson, or Smith about it?

Mr. Wharton. I do not know Atkinson, of Hales. I know Mr. Smith; but I never spoke

with him about it, nor he with me-

Lord Ch. Just. When was it that Hudson and thin you spoke together of this thing?

Mr. Wharton. It was last Thursday.

Lord Ch. Just. Did he come to you, or you to him?

Mr. Wharton. I met him.

Lord Ch. Just. Where did you meet him?

Mr. Wharton. At Rotherhith.

Lord Ch. Just. Did he speak to you of it first or you to him?

Mr. Wharton. He spoke to me.

Lord Ch. Just. Then I ask you, (and remember, tho' you are not upon your Oath, yet you are to testify the Truth, as if you were upon your Oath,) did he mention any thing of # roboam ?

Mr. Wharton. Yes, he did.

Lord Ch. Just. Of Jehosaphat? and of Abint lech?

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Mr. Wharton. Yes, he did.

Lord Ch. Just. Did you mention any of these things to him?

Mr. Wharton. Yes, Sir, I repeated more then,

than I have done now.

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Mr. Att. Gen. Was your meeting accidental, or appointed?

Mr. Wharton. It was accidental in the Street;

Idwell below him a great deal.

Mr. Att. Gen. And where was it?

Mr. Wharton. We were talking in the Street. Mr. Just. Withins. Did not you go into some House ?

Mr. Sol. Gen. Had you any Discourse at that ime of being present at the Trial of Mr. Rosewell?

Mr. Wharton. No, I did not know any thing of it till I saw the Subpana.

Mr. Sol. Gen. Before you discoursed with

him, did you remember all these things?

Mr. Wharton. Yes, I could remember them as well as he; and a great deal more then.

Mr. Att. Gen. Then, cannot you remember

what was done the next Day?

Mr. Wharton. No, I cannot.

Mr. Att. Gen. How come you then to remember fo well what was faid that Day?

Mr. Wharton. Because that was a remarkble Passage, that I had never heard before expounded. I had not staid at that time, but hat he was expounding of a very remarkable thing, which I had never heard expounded before.

Lord

Lord Ch. Just. Have you any more Witnesse

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Mr Rosewell?

Mr. Rosewell. I have some Witnesses to cal more, if your Lordship pleases, to testify con cerning my Life, and that I always prayed to the King, that God would Crown him with Grace here, and Glory hereafter; and that he would remove all his Enemies from him.

Lord Ch. Just. Ay, Mr. Rosewell, first remove his Friends from him; and then remove his

Evil Counfellors.

Mr. Rosewell. Pray Cryer, call Mr. Charle Arthur. (But he did not appear.)

Mr. Just. Withins. Come, it seems, he is no

here, call another.

L OF A

Mr. Rosewell. Call Mr. Thomas Jolliff. (Who appeared.)

Lord Ch. Just. What do you call this Ma

Mr. Rosewell. My Lord, this Person I cal to testify with respect to my Conversation and Carriage towards His Majesty and the Government.

Lord Ch. Just. What is your Name, Sir?

Mr. Jolliff. Thomas Jolliff.

Mr. Just. Holloway. Where do you live, Sir?

Mr. Jolliff. In Mary Magdalen's Parish.

Lord Ch. Just. Why not St. Mary Magdalen?

Mr. Rosewell. He is my Neighbour, my Lord.

would have made the name so much the longer

longer; or else, he thinks, that there is Popery in calling it so,

Mr. Folliff. No, my Lord, I have called it a Hundred times, and a Hundred times St. Mary

Magdalen.

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Lord Ch. Just. Prithee then do it again, it will never be the worse for thee, I dare say. Well, Mr. Rosewell, what do you ask him?

Mr. Rosewell. Pray, Sir, will you testify what you know of my Conversation towards the Government, and particularly towards His Ma-

jesty?

Mr. Jolliff. My Lord, in the time of Indulgence I have heard Mr. Rosewell once, or twice, or more; and I heard him pray for the King, and the Peace and Welfare of the Nation, as heartily as ever I heard any Minister in England in my Life.

Mr. Rosewell. Pray, Sir, for my Conversation; did you ever hear any thing of my Disolvalty or Disaffection to His Majesty, or the

Government?

Mr. Jolliff. No, Sir, I never heard any thing of any Disloyalty, or any such thing in my Life; but all the Parish will give you an Account, that you have behaved your self as an honest Man; and I never knew that either in Word, or Deed, you were accused of any Disloyalty. And, my Lord, if you please to give me my Oath, I will swear it; for it is the same thing to me to testify here in such a Court ander an Oath, or without it; for I ought, I know, to testify the Truth.

Mr.

Mr. Rosewell. My Lord, I am confident that what he says he would Swear; and he is a very honest Man.

Lord Ch. Just. Well Mr. Rosewell, if you have any more Witnesses call them; and make what Remarks upon the Evidence you please afterwards, for this is not the time for making Remarks.

Mr. Rosewell. I humbly thank your Lord

Thip for your great Favour.

Lord Ch. Just. I do not speak it to cramy you in your time; but call your Witnesses, and then make what Remarks you will: For, God forbid, we should hinder you from taking your full time; for you stand here for your Life.

Mr. Rosewell. Is Mr. Winnacott here?

(He did not appear.)

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Then pray call Captain Richard Cotton.
(But he did not appear.)

Call Mr. Thomas Fipps.

(Then Capt. Cotton appear'd.)

Mr. Rosewell. This Gentleman, my Lord hath known me for several Years. Captain Cotton, I pray, Sir, will you speak what you know of my Conversation, and Life, and Loyd ty, with respect to the King and Government?

Capt. Cotton. My Lord, and Gentlement the Jury, of late I have not frequented Mi Rosewell's Company, or his Congregation; but when the Door stood open, without opposition, I have been there; and have heard his pray for the King and Government seventimes

times; and bless God that we lived under so peaceable a Prince, when all our Neighbours were in Blood and War.

Mr. Rosewell. Pray, Sir, have you ever heard, that either in Word, or Deed, I should ever declare against His Majesty, or the Government?

Capt. Cotton. No, I never heard any fuch thing in my Life; but what I heard now upon this Trial up and down the Hall, as I was walking below.

Mr. Just. Withins. How long ago is it, that

you speak of Mr. Cotton?

Capt. Cotton. I was Abroad most of the time at Sea; but this was three, or four, or five Years ago.

Mr. Just. Withins. What time was that? Capt. Cotton. It was in the time of the In-

dulgence.

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Mr. Just. Withins. Ay, then it may be, he could speak kindly enough of the Government.

Mr. Rosewell. He has known me these ten

Years. Have you not, Sir?

Capt. Cotton. Yes, I believe, I have, ever fince you came thither.

(Then Mr. Fipps came in.)

Mr. Rosewell. This Gentleman hath known me several Years, have you not, Sir?

Mr. Fipps. Yes, Sir.

Mr. Rosewell. Pray, Sir, will you give my Lord, and the Court an Account, what you know of my Life and Conversation, and of

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my Loyalty or Disloyalty to the King or Go. vernment.

Mr. Fipps. My Lord, I have known this Gentleman divers Years. He lived in Wiltsbire, and there he had the Reputation of a very honest Man, a good Scholar, and a pious Man, I never heard him Preach in my Life, because I never go to Conventicles; but I have been in the House where I have heard him pray in the Family; and there he pray'd very earnest. ly for the King and Government, for the Prosperity of it. Since I came to London, he came to London too, and has been here in London about ten Years; and has been often in my Company since, and in the late Times, the Bethelitish Times, when every Body did take Liberty to fay what they would of the King and Government; I have been often in his Company, and heard him speak with a great deal of Respect of the King, and of the Government, and thank God for the Liberty he did enjoy, and the Protection he had from the Government; but I never heard him speak an ill Word of the Government in my Life; and I have known him as much (I believe) as any other Man that was not his Hearer; he was always reputed a very ingenious Man; and that is all I can fay. I never heard, or knew any thing ill of him in my Life.

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Mr. Rosewell. Pray call Mr. Caleb Veering. (Who came in.)

Sir, you have known me several Years Pray be pleased to testify to my Lord, and the Court

Court, what you have known of my Converfation, with Respect to His Majesty, and the Government.

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Mr. Veering. My Lord, I have known Mr. Rosewell these several Years; and I have been in Company with him upon the Occasion of receiving Money on Account of Rent for a Friend of mine; and likewise have heard him sormerly when he Preached publickly; and never heard any thing from him that resected upon the Government, or shewed any disrespect to the King. I have heard him pray often very heartily for the King, and he never meddled with any publick Business, nor spoke of any News while I was concern'd with him.

Mr. Rosewell. Pray, Sir, did you ever hear of any ill I should speak of my Sovereign?

Mr. Veering. I have heard him often pray for the King, and the Government; and I never heard any Man fay that he did otherways, or that ever he spoke an ill Word concerning any of them.

Mr. Rosewell. Call Mr. John Hitchcock——
(Who came in.)

Sir, you are a Gentleman that hath known me for feveral Years; pray will you testify what you have known concerning me? And if you have heard, or known any ill of my Conversation towards the King, pray speak it out, and let me be shamed before God and this great Assembly.

Mr.

Mr. Hitchcock. I have known him, (my Lord,) feveral Years, and have heard him formerly, tho' not of late; and when I heard him, he used constantly to pray for the King and Government; I never knew him to speak any thing against the King and Government in my Life; but always spoke very worthily of them.

Mr. Rosewell. Have you heard me often pray for the King?

Mr. Hitchcock. I have so, Sir, a great many

times.

Mr. Rosewell. How long is that ago?

Mr. Hitchcock. About two or three Years ago, my Lord; and I never knew him to be but a very worthy Gentleman.

Mr. Rosewell. Pray call Mr. Michael Himman-

(Who came in.)

My Lord, here is another Gentleman that hath known me several Years. Pray, Sir, will you speak what you know of my Conversation, with Respect to His Majesty, and the Government?

Mr. Hinman. My Lord, I have known him many Years, and been in his Company feveral times, and never heard him fpeak any thing of ill relating to the King or Government.

Mr. Rosewell. Pray, Sir, have you not been, (upon some Occasions,) present where I have

prayed?

Mr. Hinman. Yes, Sir, I have heard you pray; and I have heard you pray for the King very heartily.

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Mr. Rosewell. Have you heard of any Evil I should either say or do? Or any thing by Word or Deed, against the King or Government?

Mr. Hinman. No, never in all my Life, one

way or other.

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Mr. Rosewell. Pray call Mr. Nicholas Wanley.

(Who came in.)

Sir, you have known me for these many Years; pray will you be pleased to speak the Truth of what you know of my Conversation, with Respect to the King and Government?

Mr. Wanley. My Lord, I have known the Prisoner at the Bar several Years; I have been frequently in his Company; and never heard him speak an ill Word against the King or Government in my Life: But have often heard him wish, that the King might live, and have a long and prosperous Reign; I never heard him say one ill Word of the Government in my Life; but always when he spoke of it, it was with all the Respect that any Person could do.

Mr. Rosewell. Did you ever hear from any other Person, directly or indirectly, that I have spoken reslectively upon His Majesty?

Mr. Wanley. Never in my Life, my Lord.

Mr. Rosewell. One way or other?

Mr. Wanley. No, not any way at all.

Mr.

Mr. Rosewell. Pray call Mr. John Strong— (Who appeared.)

Sir, You are a Gentleman that hath known me many Years too, 10 or 12 Years I believe.

Mr. Strong. Yes, Sir.

Mr. Rosewell. Pray will you tell my Lord, and the Jury, what you know of me with respect to my Behaviour in Word, or Deed, in reference to his Majesty or the Government?

Mr. Strong. Sir, I have heard you Teach feveral times formerly; I was not at this time indeed (for which you now stand Accused) at that Place: But I never heard you speak a Word against his Majesty or the Government. But you always pray'd very earnestly for his Majesty.

Mr. Rosewell. Did you ever hear that I should fay any thing ill of the King, or Government?

Mr. Strong. No, never.

Mr. Rosewell. Call Mr. John Cuttloe—(Who appear'd.)

Sir, You have known me too, very many Years; What do you know pray, concerning my Behaviour towards his Majesty and the Government?

Mr. Cuttloe. My Lord, I never knew him speak one Word disrespectfully of the Government, or the King in my Life; tho' I have known him some Years.

Mr. Rosewell. Did you ever hear from any body else, that I did speak ill of the King, of Government, directly or indirectly?

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Mr. Cuttloe. No, never a Word; I assure

Mr. Rosewell Have you been where you have

eard me pray for his Majesty?

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Mr. Cuttloe. Yes, Sir; I remember at Brilol once occasionally I heard you in the time f Liberty; otherwise I cannot say I have heard ou: But I never heard any thing against he Government; but you always behaved our self Loyally and Peaceably that I know of

Mr. Rosewell. Call Mr. Charles Melsum——
(Who appeared.)

My Lord, I call this Gentleman, who will equaint you that he liv'd with me many lears in an honourable Family, a Person of Quality of this Nation, one of the Hungerford's: Where (my Lord) I was Tutor to Sir Edurd's Son for near Seven Years; a Gentleman well known for his great Loyalty to the King and Government: So that if I had been such a Enemy to the King, or so disaffected as hese People would make me to be, sure he would never have entertained me. Pray, Mr. Melsum, will you please to acquaint my lord, and the Jury, how many Years I was I that Family?

Mr. Melsum. Seven Years; and I was above

ourteen my self.

Mr. Rosewell. Pray, what do you know of my Carriage in that honourable Family, with espect to the King and Government?

Mr. Melsum. As far as I know, for my Life I will declare. I do not remember he did trouble himself, or meddle or make with an Man's business but his own. He was a Mathat kept much to his Study: And when he came up to Prayer, he prayed heartily for the King; and had the good Word of all his Neighbours thereabout.

Mr. Rosewell. Have you often heard me pra

for the King?

Mr. Melsum. I have heard him a hundre times pray for the King; I never mist Prayer when I was at Home; and it was his constant Practice.

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Lord Ch. Just. Did he Pray in the Famil

Mr. Melsum. Yes, he did.

Lord Ch. Just. Did he use to go to Church! Mr. Melsum. Yes, he went to Church, the beginning of the Prayers; he did frequent attend Divine Service.

Lord Ch. Just. Did he receive the Sacrame

in all that time?

Mr. Melsum. Yes, I believe he did; I ca

not say it directly.

Mr. Rosewell. I was a constant Attendupon the Publick Ministry. It is now above Dozen Years ago; it was in the Year 166 my Lord, and so downward. Sir, you know was a constant Attendant upon the Minist of the Church, and the Worship of God there

Lord Ch. Just. Did you ever hear him ma use of the Common-Prayer himself in the H mily?

Mr. Melsum. I cannot say he did. Lord Ch. Just. Well; Have you any more itnesses, Sir?

Mr. Rosewell. Yes, my Lord. r. Robert Medham. (Who appeared.)

ere is another Gentleman, my Lord, that ed in that Family. Pray Mr. Medham, how ng did you live in that honourable Family? Mr. Medham. About four Years.

Mr. Rosewell. Was that in the time that I as there?

Mr. Medham. Yes, it was.

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Mr. Rosewell. Pray then, Sir, will you deare what you know of my Conversation in at Family with respect to the Publick?

Mr. Medham. My Lord, it is a great while o; but at that time Mr. Rosewell did always ep to the Parish-Church. He was Chaplain my Lady Hungerford; and always pray'd for eKing at every time of Prayer.

Mr. Rosewell. Did you ever hear that I should eak or declare any thing against the King, Government in all my Life, all my time, or

our time that I was there?

Mr. Medham. I must needs say, I never did ar any fuch thing in my Life.

Mr. Just. Holloway. But it was not the Prayers the Church that he used!

Mr. Medham. I cannot fay that.

Lord Ch. Fust. Did you ever hear him use the rayers of the Church?

Mr. Medham. The Prayer that I heard, we that which was usually made in the Family.

Lord Ch. Just. But pray speak plain; Did use the Common-Prayer?

Mr. Medham. No, my Lord; I cannot

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he used the Common-Prayer.

Lord Ch. Just. I tell you what I mean; the Pray out of the Book of the Common Prayer?

Mr. Medham. No, my Lord, I cannot

that.

Lord Ch. Just. Dost thou take his EX TE. PORE Prayer to be the Prayers of Church?

Mr. Just. Withins. My Lord, he does a know the difference, I believe; I believe does not go to Church.

Mr. Medham. Yes, I use to attend upon

Publick; and fo did Mr. Rosewell.

Mr. Just. Withins. Well, Sir, have you a more Witnesses?

Mr. Rosewell. Yes, my Lord; Pray call M

Ann Broadburft.

(Then Mr. Winnacott appear'd and offer'd himse Mr. Winnacott. My Lord, I heard I was call

and I am come as foon as I could get in.

Mr. Rosewell. Ay, Mr. Winnacott, you haknown me many Years; I desire you wou testify what you know concerning my Coversation, and Behaviour.

Mr. Winnacott. Formerly, when I heard hi I never heard him speak a Word against t King or Government; and it is some three ye

ago, fince I heard him.

Mr. Rosewell. Have you heard of any Evil at I have said or done against the King or e Government?

Mr. Winnacott. No; but I have heard him

ten Pray for his Majesty.

Mr. Just. Withins. Well, there is your other itness, Anne Broadhurst; what ask you her? Mr. Rosewell. My Lord, this was a Servant

at lived several Years in my Family. Pray In, how many Years did you live there?

Anne Broadhurst. Four Years, My Lord.

Mr. Rosewell. Pray declare what you know me in my Family, with respect to the King

d Government.

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Anne Broadhurst. I have generally heard you wice a-Day pray in your Family; and I never eard you Pray in my Life, but I heard you ray as earnestly for the King as you did for our own Soul. This I can declare during the me that I lived there.

Mr. Rosewell. Did you ever hear me speak wil of the King in my Family; or Reslectively

pon the Government?

Anne Broadhurst. No; You always Pray'd for the King, (as I say) as earnestly as for your

elf or your Family.

Mr. Rosewell. If you know of any ill Carlage in Word or Deed towards my Sovereign,
desire you to speak it out, without favour or
fection, or any respect to me in the World.

Anne Broadhurst. No, I never did; but have
sten heard you heartily Pray for him.

Mr. Just. Withins. Pray, how long ago

Anne Broadhurst. Two Years ago I lived with

Mr. Rosewell. Pray tell my Lord again, ho long it was, and when that you lived there.

Anne Broadhurst. I lived there four Years; an

it is two Years ago fince.

Mr. Just. Withins. Pray how often were yo

at Church in that time?

Anne Broadhurst. When I had Occasion tog I did go; but I did usually hear my Maste when I dwelt with him.

Mr. Just. Withins. Well, who is your nex

Witness?

Mr. Rosewell. Call Anne Manning.

(Who came in.)

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You lived with me in my Family seven Years?

Anne Manning. Three Years, Sir.

Mr. Rosewell. Pray will you declare what you know of my Carriage and Behaviour wards the King and Government, in my mily while you were there?

Anne Manning. My Lord, he prayed for the King, for his long Life in his Family Duties Morning, and Evening; and in Private, when

no body heard him but my felf.

Lord Ch. Just. What you, and he were a

Exercise together?

Anne Manning. My Lord, I have gone by his Study-door, and have heard him Pray for the King's long Life, when he knew not that any body heard him.

Mr.

Mr. Rosewell. This, my Lord, is more than expected; for I little thought that any body ould give a Testimony of my Private Devoion; tho' I never then omitted to Pray for the

king, and never shall as long as I live.

Anne Manning. My Lord, he pray'd as hearily for the King's Life as for his own Soul;
and I have heard him often praying and defiing God to Preserve him in his Kingdom, and
give him long Life; and have heard him infift
upon that Scripture, Speak not Evil of the King,
no, not in thy Bed-chamber; for the Birds of the
Air shall declare it.

Mr. Rosewell. Pray speak the Truth. Did you ever hear me utter an ill Word, or Refection upon his Majesty, or the Government?

Anne Manning. No, my Lord; he was al-

ways mightily for the King.

Mr. Rosewell. Speak the Truth of what you know; I hope you would speak the Truth, and nothing more than the Truth, as if you were upon your Oath.

Anne Manning. I do speak the Truth, and it is what I can declare, and would, if I were to die the next Moment; and I can safely

swear it.

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Mr. Rosewell. Then pray call Isabella Dickeson— (Who appeared.)

My Lord, furely I would not speak Evil of his Majesty, or the Government in Publick in the Congregation, when I prayed for him in my Family and my Closet. But here's another Servant that liv'd in my Family; Pray will

you

you speak what you know concerning my haviour in my Family, with respect to the

King and Government?

Ifab. Dickeson. He used to Pray twice add in his Family, Morning and Evening, and always pray'd earnestly for the King; for h good Health, long Life, and Prosperity.

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Mr. Rosewell. Did you ever hear me spea any Evil of the King, or Government in an

respect?

Isab. Dickeson. No, never, Sir, in all my life nor do I believe you ever had an evil Though of the King.

Mr. Rosewell. Pray then will you call M

Fames Atkinson?

Mr. Just. Withins. We have had him already and I suppose he is gone; he is not here.

Mr. Rosewell. I call him now to testify and ther Thing, if your Lordship pleases; and h

is at hand, my Lord, I suppose.

Lord Ch. Just. You should Examine you Witnesses together, but we will not surprize you; we will stay.

Mr. Just. Holloway. Pray call any body else in the mean time, if you have any other.

Lord Ch. Just. Nay Brother, it may be he hath observed a Method to himself; he is so his Life; let him take it.

(Then Mr. Atkinson came in.)

Mr. Rosewell. That which I call you now for Sir, is to testify, what you heard upon the 30th of January from me, about Praying for the King and all that are in Authority?

Mr. Atkinson. My Lord, he kept that Day, the 30th of January, as a Day of Fasting and Prayer; and he preached from that Text on the t Tim. ii. 1. Pray for Kings and all in Authority: And then he did assert that Kingly Government was most agreeable to the Word of God, and the Constitution of the Government of England, which was the Best in the whole World; and had been so approved by Writers, both Foreign, and of our own Country: And he did urge it as a Duty incumbent upon all People to Pray for the King, and Magistrates, that they might live a peaceable and quiet life under them in all Godliness and Honesty.

(Then he seem'd a little faint and stop'd.)

Mr. Rosewell. Pray Sir, will you recollect your Self? My Lord will indulge you a little.

Mr. Atkinson. I have been acquainted with

Mr. Rosewell these ten Years.

Mr. Rosewell. But, pray Sir, what do you remember of the Application of that Sermon upon the Text about praying for Kings, and all in Authority?

Mr. Atkinson. That Persons were to Pray for them, and to obey them, and that it was their Duty. That is all that I can re-

member.

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Mr. Rosewell. What do you remember of my Invectives against those that practiced the Contrary?

Mr. Atkinson. Why truly as to those Things, he did highly condemn those Persons that had L any

any way acted against it. And I have heard him both in Publick and Private, inveigh a gainst those that had any hand in the Murder of the late King, and condemned the Fact as a Diabolical design.

Mr. Rosewell. Is Mr. Smith there?

Mr. Atkinson. I was very ill on Sabbath-day last, and I thought I should not have come out now; and I would not to the best of my remembrance speak a Lye, as I am in the presence of this honourable Court, and in the presence of God, to whom I must give an Account another Day.

Mr. Rosewell. God will reward you for what you come to do for an innocent Person this

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Day.

Mr. Atkinson. I never heard an ill Word against the King or Government drop from Mr. Rosewell in my Life. I am not upon my Oath, but know my self to be bound to declare and tell the Truth, and nothing but the Truth.

Mr. Rosewell. I am confident, my Lord, he would not Speak what he would not Swear.

Lord Ch. Just. The Jury are Judges of that

Mr. Rosewell; I must leave it to them.

Mr. Rosewell. Pray, Mr. Atkinson, was Mr. Smith with you?

Mr. Atkinson. Yes, and I have fent one to

call him.

Mr. Rosewell. Pray Sir, let me ask you as to what Mrs. Smith says, that I should say of the Recorder being made a Judge?

Mr. Atkinson. I never heard you speak any uch Words in my Life.

Mr. Rosewell. Upon the Last Day of August last, at Mr. Shed's House, she says, that I did

ofe that Expression.

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Mr. Atkinson. As to Shed's House, I was then Sick, and was not there. If my Lord will give me leave to look upon my Note-book, I can tell what Day I was there.

Smith. It was at one Daniel Weldy's House, as I think, that you spoke about the Mayors and the Sheriffs; but what you said about Fools in

Scarlet Gowns was at Shedd's House.

Mr. Rosewell. Was there any meeting at the Meeting-house, since July last, upon the Sab-

bath-Day?

Mr. Atkinson. Truly I be not able to remember; but if my Lord please to give me Leave to look upon my Note-book, I can give an Account; for I writ down every Day the Place where we met.

Lord Ch Just. Prithee look upon thy Notebook; for I have a Mind to know something out of that Note book. Prithee tell me what was infisted upon the 14th of September.

Mr. Atkinson. My Lord, I only have a Note of the Day, of the Place, and of the Text.

Mr. Rosewell. Pray Sir, did you hear me speak of a great Man in Grace-Church-street at the upper end; and that if it had not been for him, the Fire had been quenched?

Mr. Atkinson. I never heard that Expression

rom you in all my Life.

2 (Then

(Then Mr. Smith came in.)

Mr. Rosewell. Pray did you hear any sut thing, Mr. Smith?

Mr. Smith. No, my Lord.

Mr. Rosewell. My Lord, I can bring all the rest to testify the same thing, if your Low ship will let me call them over again.

Lord Ch. Just. Do as you will, I would not restrain you from any thing of a legal Indugence, that is fit to give to any Man in you Condition.

Mr. Atkinson. What Day of the Month of you say it was, Sir, that she said you spake the Recorder?

Mr. Rosewell. The 31st of August, I think Mr. Atkinson. At that time I was Sick, at was not there.

Mr. Rosewell. Pray, Mr. Smith, have youed heard me Preach upon the 30th of January?

Mr. Smith. Yes, Sir; I have heard you upon that Day, and upon that Text, that we should pray for Kings, and all in Authority. You keep it as a Day of Humiliation, and you abhore the Action of that Day. It was kept ver Solemnly, for the bewailing the horrid Muder of our-late King. And you were so from giving any Countenance to the Action of that Day, that you detested it, and preached very much against it, and you have always preached up Kingly Government.

Mr. Atkinson. Sir, you were asking me, there were a Meeting since July, in the Meeting house.

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Mr. Rosewell. Yes, because she fays there was

ne upon the 10th of September.

Lord Ch. Just. If you look upon your Notes gain, Mr. Rosewell, you'll find it was the 10th sugust.

Mr. Rosewell. Where were you upon the

oth of August?

Mr. Atkinson. I was at home Sick then; it is

ritten down, your Lordship may see it.

Lord Ch. Just. Do you take notice where you eard the Meeting was, when you were Sick? Mr. Atkinson. Yes, My Lord, I have a short lote of it.

Lord Ch. Just. Where was the Meeting then? Mr. Atkinson. In the Meeting-house, as I

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Lord Ch. Just. Pray recollect your self, and tok upon your Book, how is it enter'd there?

Mr. Atkinson. My self at home the 10th of lugust.

Lord Ch. Just. When didst thou take that

lote, upon your Word now?

Mr. Atkinson. When my Family came home, omebody did tell me that Day, or the next Day.

Lord Ch. Just. Well, where was it the time

efore?

Mr. Atkinson. The 3d of August, at Mr. Crookanks; the Text was the 11 Heb. 7. The 10th the Meeting-house, my Self at home; and anticles the 7.13.

Mr. Roser ell. My Lord, these Gentlewomen y, they were at several Meetings. I desire,

L₃ my

my Lord, that these Witnesses may be call'd, Lord Ch. Just. Call whom you will. Who do

you call first?

Mr. Rosewell. Thomas How. My Lord, I could bring Hundreds of Witnesses as to this Point.

Lord Ch. Just. Well, there is Thomas How; to

what Purpose do you call him?

Mr. Rosewell. My Lord, to testify that she should Swear before Sir George Treby, that Mr. How was at a Conventicle such a Time, when he was not. And therefore I desire him that he would please to testify the Truth of that Matter.

Mr. How. My Lord, I will testify the Truth as far as I know it; she sent three Men—

Lord Ch. Just. How do you know that?

Mr. How. So they faid.

Lord Ch. Just. That is no Evidence; and I care not what they said: If you know any thing your self of your own Knowledge, speak it.

Mr. How. They offered—

Lord Ch. Just. I tell you their offering ignifies nothing.

Mr. How. My Lord, it is a Year, and an

half ago.

Lord Ch. Just. Let it be never so long ago, if it be only what they said, it signifies nothing it is no sort of Evidence; but if you can say any thing of your own Knowledge, you say well; in God's Name we will hear it.

Mr. Rosewell. Then, my Lord, some Questions I desire I may have Leave to put to Mr. Recorder.

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Lord Ch. Just. If Mr. Recorder be ready to o do inswer your Questions, with all my Heart.

Mr. Rosewell. Mr. Recorder, I desire you would please to do me the Justice to testify, whether you know any thing concerning Mrs. Bathoe.

Lord Ch. Just. Who is She?

Mr. Rosewell. My Lord, it is whether there was not a Conventicle sworn before Mr. Recor-

der against one Mrs. Bathoe.

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Mr. Recorder. I can't well tell Mr. Rosewell. There was a Conviction before me, (as I remember) of one Mrs. Bathoe, for a Conventicle; and as I take it, (as the Witness told you just now) she had it from her own Confession.

Mr. Rosewell. Do you know any thing, pray Sir, of a Composition that was made upon that Conviction?

Mr. Recorder. No, Sir; You don't think fure, that I make Compositions; or know any thing of them.

Mr. Rosewell. Was not the Money, Sir, paid back again?

Mr. Recorder. Not a Penny that I know of,

or any Agreement for it.

Mr. Rosewell. Pray Sir, will you acquaint the

Court, how that Matter was really?

Mr. Recorder. Mrs. Bathoe came to me, and aid she was mistaken, if any such Words did pals from her; for indeed there was never any such Conventicle, as Mrs. Smith swore she had confest. Upon that, I fent for Mrs. Smith, and bid her consider of it, whether there was really L 4

ally any fuch Conventicle: And Mrs. Bathoe hath brought her Appeal, and it is depending now, and will be heard the next Quarter Selfions.

Mr. Rosewell. Pray Sir, Did you tell her that

The might have her Money again?

Mr. Recorder. I did tell her, Mrs. Smith was mistaken, and did not insist upon it, and she would have her Money return'd again.

Mr. Rosewell. Pray Sir, Did you fend your Warrant for one Cartwright under your Hand?

Mr. Recorder. You ask me a hard Question; I might send a Summons for several Persons, I cannot remember all their Names.

Mr. Rosewell. By whom, I pray, Sir?

Mr. Recorder. I can't tell who I fend all my Summons by.

Mr. Rosewell. Was it not by these two Wo

men, Mrs. Smith and Mrs. Hilton?

Mr. Recorder. I can't tell; it may be it might be so.

Mr. Rosewell. Pray Sir, What did you say to Mr. Cartwright, when he came thither?

Mr. Recorder. I can't remember particularly.

Mr. Rosewell. Sir, did you not ask him what he had to say against these Witnesses that are

produc'd against me?

Mr. Recorder. My Lord, I remember when Mr. Cartwright came to me, I did ask him some such Question; for they had told me that he had, by a Person, been tampering with them, to take them off from Prosecuting a great many Persons.

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Mr. Rosewell. By whom were you told so.

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Mr. Recorder. By themselves. I know nothing of it; But I tell you the reason why I sent for him; because they told me they went in Danger of their Lives; that they could not walk the Streets in Safety, but they had Stones hrown at them; and they were reproach'd s common Informers, and were befet hard 11 with Applications of Money, to take them off from Profecuting. And amongst the realist complain'd of one Cartwright, that he had been said the said with them; and it was upon that actions that I fent for him, to know what he from Profecuting. And amongst the rest, they ad to fay against them; and he satisfied me, that he had nought to fay against them.

Lord Ch. Just These Questions, Mr. Rose-

well, perhaps, may be better let alone.

Mr. Recorder. I have seen a Letter that does threaten them very much; but I cannot fay whence it comes.

Mr. Rosewell. My Lord, I desire to ask Mr. Recorder, whether or no he did not send for ome of my Witnesses.

Mr. Recorder. I don't know your Witnesses,

Sir.

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Mr. Rosewell. Did not you send for one n Richard Gibbs of Rotherhith?

Mr. Recorder. Yes, he was Constable at Roe therbith.

Mr. Rosewell. Pray Sir, upon what account did you fend for him?

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Mr. Recorder. I did it, because I heard the Constables of your Side durst not execute their Warrants, for fear of the Rout of the People,

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Lord Ch. Fust. I tell you, these Questions were

better let alone.

Mr. Rosewell. Mr. How, that which I call you for, is, whether Mrs. Smith has not offered to Swear before a Justice, that you were at a Conventicle, when you were not?

Lord Ch. Fust. She fays, she does not know

any thing of her own Knowledge.

Mr. Rosewell. She offered it a Year and a Quarter ago, before Sir George Treby.

Lord Ch. Just. Were you by when she of

fered any fuch thing?

Mr. How. I was by when she was before Sir George Treby; and she went into a Yard, and icl offered to inform against one How, for being at fuch a Conventicle; but I was not the Man, the faid.

Mr. Rosewell. My Lord she had Sworn it.

Lord Ch. Just. No, no, she had not Swom it, the only offered it; and for ought I perceive, she is a very careful Witness, to see that the does not fix upon the wrong Person.

Mr. Rosewell. Then if it please your Lord. thip, I defire John Townsend may be called.

(Who came in.)

Pray will you testify what you know concerning Mrs. Smith's swearing that Mr. How was at a Conventicle?

Mr. Townsend. Sir, I will tell the Truth, as Eli near as I can; I cannot tell the Day, it was we about

the bout a Year and an half since, that he was ut of Town of the Lord's Day, and that Day eir was remarkable; for I met him coming to fown, and it was about Evening, about Five f the Clock, and that Day they had brought of the Clock, and that Day the feizing all him some notice of a Warrant for the seizing for that he had been at a Meetof his Goods, for that he had been at a Meet-ng; now he understanding when they were no make Affidavit of it before Sir George Treby, went with him, and he asked her if she knew he Man. There he was, and I was, and one nore, and there came one Stranger: And we went out to the Light, and she look'd upon ill of us, and knew never an one of us.

Lord Ch. Just. You use to go to Convennd cicles, all of you, I warrant you.

Mr. Just. Withins. She was not much out in her Conjecture, I dare say.

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Lord Ch. Fust. But she seems to be very careful, that she did not Swear against the wrong Person. And (Speaking to Mr. Townsend;) If she had Sworn that thou hadst been there that Day, I warrant you she had Sworn true.

Mr. Rosewell. Is Sir George Treby here? (He did not appear.)

Then I desire Mr. Thomas Harvey may be call'd. Lord Ch. Just. There he is; what do you ask him?

Mr. Rosewell. My Lord, to prove that this Elizabeth Smith Swore that several Persons, were at several Conventicles, which she afterwards confess'd in truth they were not; and made Applications to Compound for the Forfeitures, and they should have their Money again.

Lord Ch. Just. Prithee, ask him in general,

what does he know of her.

Mr. Harvey. Elizabeth Smith came to a Friend of mine in April, or May last—

Mr. Att. Gen. Were you by?

Mr. Harvey. Yes, I was by. She came to a Friend of mine, I fay, and she told him that she could Swear against him, and some others, for a considerable Value of Forseitures upon Conventicles----

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Lord Ch. Just. What Friend of thine was this?

Mr. Att. Gen. Where does that Friend live?

Mr. Harvey. In Southwark.

Lord Ch. Just. What's his Name?

Mr. Harvey. One Games.

Lord Ch. Just. What Trade is he?

Mr. Harvey. A Sail-maker.

Lord Ch. Just. Where abouts does he live in Southwark?

Mr. Harvey. By St. Mary Overy's Dock. And he came to me, and defired me that I would meet and speak with her; I met her, I think it was about the Exchange at the Roe-Buck; there was she, and another fellow with her. She told me she could Swear against such and such; and desired me to give her a Cup of Drink; which I did; and then she told me her Story, and demanded either 10 or 20 Pounds; and

and that that should take her off from Swearing against them. I told her, I could say nothing to it; but I would acquaint them; which I did, particularly Mr. Games; They thought not sit to give her any thing; which Answer I return'd to her. She told me she was very Poor, and if she could have but something, she would declare who it was that would Swear; but upon reasonable Composition (tho' she had offer d to Swear) she would not. But she had taken the Copy from a Sister of hers; and I think she said her Sister's Name was Mary Farrar, as I remember.

Lord Ch. Just. Did she offer to Swear any

thing against you?

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Mr. Harvey. No, my Lord.

Lord Ch. Just. You know that Games very well, don't you?

Mr. Harvey. Yes, my Lord.

Lord Ch. Just. Does he use to frequent the Church constantly?

Mr. Harvey. I don't know that my Lord;

I have known him many Years.

Lord Ch. Just. Do you live near him?

Mr. Harvey. No, I do not.

Mr. Rosewell. Pray Call Mr. John Cartwright, and Mr. George Norton.

(Mr. Cartwright appear'd.)
Mr. Cartwright, I desire you would please to testify what you know here concerning Mrs. Smith, who hath testified against me?

Mr.

Mr. Cartwright. My Lord, may it please your Honour; the 22d of July last, Mrs. Smith and I were together from Seven o'-Clock in the Morning, till half an Hour after Eleven: and that Morning we went to a Constable, one Alexander Venner in Aldersgate-street; and from thence we went to Moorfields to look for a Meet. ing in Petty-france; but there was none: And from that place we went into Moorfields again and followed an Ancient Man, whom we sup posed was going to a Meeting; and this Mar we followed the space of almost an Hour's time that it was almost this time of Day that it now is that I am speaking. That Day she convided Mrs. Bathoe for having a Meeting in her House when she own'd to me and another Man, that The never was in the House of Mrs. Bathoe and then for the same Morning there was on Rice Bowing that was convicted of a Conventi cle at Bermondsey, upon her Oath.

Lord Ch Just. How do you know that?

Mr. Cartwright. As I was told.

Lord Ch. Just. But it may be you were told a Lye; you must only speak what you know

your felf.

Mr Cartwright. Then, my Lord, severatimes she has asked me to Convict with her when I never have been at a Meeting; and also, she has offered to Convict with me, when have been there, and she hath not been there and she also asked my Wise to Convict on Dod's Meeting at Shoreditch, and my Wise refused it, because she was not there.

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Lord Ch. Just. Were you by when she asked your Wife to do it?

Mr. Cartwright. Yes, and please your Ho-

nour.

Lord Ch. Just. Who did you tell this first to?
Because I see you hunted along with her, why
did not you go and complain when she had sereral times proposed such a thing to you?

Mr. Cartwright. My Lord, I did not so well

inderstand it at that time.

Lord Ch. Just. Who did you first of all tell it o, I ask you?

Mr. Cartwright. I first of all told it to one

Smith.

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Lord Ch. Just. Was this before Mr. Rosewell was taken, or after?

Mr. Cartwright. It was afterwards.

Lord Ch. Just. Did you go to Smith, or did e come to you?

Mr. Cartwright. It was thro' another's means

hat I came to speak with Mr. Smith.

Lord Ch. Just. Who was that?

Mr. Cartwright. It was thro' a Goldsmith's leans.

Lord Ch. Just. What is his Name?

Mr. Cartwright. His Name is Ferne; he lives

Lord Ch. Just. How came he to understand it,

bring you together?

Mr. Cartwright. Because he understood that was with Mrs. Smith that time that she conded Mrs. Bathoe, and was concern'd with her.

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her. I did not know any thing of Mr. Rosewell at that time at all.

Mr. Rosewell. Did she not tell you, she

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would do as much for me?

Mr. Cartwright. She did offer me this; that it would go and discover any Meeting, the would Convict them, tho she was not there.

Lord Ch. Just. Who didst thou tell a thing of this Nature to? only to Mr. Smith and that

Goldsmith?

Mr. Cartwright. I told it first to that Mr. Smith.

Lord Ch. Just. When these Witnesses, and things drop out of the Clouds, I never put any great Value upon them. These come to serve a Turn, and never make any Discovery till you are taken.

Mr. Rosewell. My Lord you may observe it was her common Practice to Convict upon Report, not having any Eye or Ear-Witness.

Lord Ch. Just. Well, I will observe what he has said; but I tell you what I think of it.

Mr. Cartwright. She has asked me to do i

feveral times.

Lord Ch. Just. All that I can say to it, is, if feems she look'd upon thee as so very a Knave as that thou wouldst have done such a thing and it may be she was not mistaken.

Mr. Rosewell. Then Call Mr. George Norton

(Who appear'd.)

I call you as a Witness, to declare what you know of Mrs. Smith's importuning you, or any one to Swear against Meetings.

Mr. Norton. Yes, she has offered to Swear, but I cannot say with him; for I was not prefent all the time. All that I can say, is, that she own'd she was never at Mrs. Bathoe's House.

Lord Ch. Just. So she says still; and it agrees with all the rest of the Evidence: It was only

Hear-lay.

Mr. Rosewell. Then pray, will you please to

Call John Hobson?

Lord Ch. Just. There he is: What say you to

him?

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Mr. Rosewell. My Lord, I bring this Witness to testify, that Mrs. Smith swore there was a Conventicle at such a Place, when there was none.

Mr. Hobson. Sir, there was none since I came into the House, to my Knowledge.

Lord Ch. Just. What House?

Mr. Rosewell. At Mr. Hale's; she swore there was a Meeting upon the 13th of July.

Mr. Hobson. There was none, to the best of

my Knowledge.

Mr. Just. Withins. We must not Convict People of Perjury upon such Evidence. Indict her of Perjury, if you have a mind to it.

Lord Ch. Just. Where is the Instrument-Maker, Atkinson? Bid him send me his Book.

(Which was done.)

Lord Ch. Just. Were you at every Meeting always that he preach'd at?

Mr. Hobson. No, my Lord.

Lord Ch. Just. Then there might be many Meetings that you do not know of.

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Mr.

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Mr. Hobson. I live next Door to this Mr. Hales.

Lord Ch. Just. You use to go frequently to hear Mr. Rosewell, did not you?

Mr. Hobson. No, Sir.

Lord Ch. Just. (Having look'd upon the Book.) Was there any Meeting that you know of, the 13th of July?

Mr. Hobson. None there: He lives next Door

to me.

Lord Ch. Just. Was there no Meeting no where there away?

Mr. Hobson. Not that I know of.

Lord Ch. Just. She Swears to that Day at Mr. Hale's

Mr. Rosewell. Ay, and to the very Place. Lord Ch. Just. Do you know one Hodgeson? Mr. Atkinson. It is Hudson, my Lord.

Mr. Hobson. No, my Lord; I do not know

him.

Lord Ch. Just. Were you ever at his House at any Meeting?

Mr. Hobson. No, my Lord; I never was at

any Meeting this two Years.

Mr. Rosewell. He lives next Door to the House.

Lord Ch. Just. There may be a Meeting next Door to my House twenty times over, and I not know it.

Mr. Rosewell. Then pray Call John Crook. (Who came in.)

Pray, Sir, do you know whether there was any Meeting at Mr. Hale's the 13th of July?

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Mr. Crook. No; I never heard of any fuch thing, but what was according to his own use amongst his Family. I live under his Roof, and never yet did know that there was a Meeting there.

Mr. Rosewell. Pray Call Sarah Whibby. (Who came in.) I defire she may be asked, whether Mrs. Smith did not Swear there was a Conventicle at Mr. Hale's the 13th of July; and whe-

ther there was any fuch thing.

Mrs. Whibby. There was none.

Lord Ch. Just. That you know of, you mean.

Mrs. Whibby. I am certain of it.

Lord Ch. Just. How come you to remember

the Day particularly?

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Mrs. Whibby. I can tell you by a very good Token; because the Chimney of my House was on Fire that Day.

Lord Ch. Just. How do you recollect it was the 13th of July?

Mrs. Whibby. Because there was a Neighbour of ours, that is a Waterman, that was fent for to wait upon His Majesty; and I went that Day to call him to quench the Fire; not finding him at home, I went further to call more Help.

Lord (h. Just. How can you tell that it was the 13th? It might be the 20th for ought

you know.

Mrs. Whibby. No: It was the 13th. Lord (b. Just. How can you tell that?

Mrs. Whibby. Because there was another Meeting on the 20th Day, for which I paid M 2 20 104

20 Shillings; and I can remember my Chim. ney was on Fire that Day.

Lord Ch. Just. What Day of the Week wa

it?

Mrs. Whibby. It was Sabbath-Day.

Lord Ch. Just. Why, if my Chimney was of Fire the 14th or 15th, it may be I can remember it a little while; but how come it that you do remember it so long?

Mrs. Whibby. It was the 13th of July.

Lord Ch. Just. How can you be fure of that! Mrs. Whibby. Because it was the Sunday be fore the Meeting at Mr. Bowen's.

Lord Ch. Fust. Where was the Meeting tha

Day your Chimney was on Fire?

Mrs. Whibby. I did not know then; but !

knew since, it was at Mr. Hudson's.

Lord Ch. Just. Then you have been instructed about it; But pray don't think you come here to serve a Turn.

Mrs. Whibby. It was at Mr. Hudson's.

Lord Ch. Just. Was there a Meeting on the 13th of July?

Mrs. Whibby. By Relation there was; but !

was not at it.

Mr. Rosewell. My Lord, I bring her to testify there was no Meeting at Mr. Hale's that Day.

Lord Ch. Just. We know well enough you

fniveling Saints can lye.

Mrs. Whibby. I have answered the Truth as far as I know.

Mr. Rosewell. I only ask her about Mr. Hales

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Lord Ch. Just. She shall answer such Questions as the Court shall think fit to ask her.

Mr. Rosewell. How far is your House from

Mr. Hales ?

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Mrs. Whibby. Next Door.

Lord Ch. Just. How far is your House from Mr. Hudson's?

Mrs. Whibby. A great Way.

Lord Ch. Just. Was it half so far as you

went to fetch the Waterman?

Mrs. Whibby. That was but three Doors off; but Mr. Hudson's is half a Mile, I believe, or a Mile.

Mr. Rosewell. Then pray call Anne Collins.

(She appeared)

Mr. Just. Withins. Well; What do you ask her?

Mr. Rosewell. Mrs. Smith hath Sworn, that there was a Conventicle at Mr. Hales the 13th of July; I desire to know of you, whether there was such an one, or no?

Mrs. Collins. The 13th of July there was

none.

Mr. Rosewell. Upon your certain knowledge?

Mrs. Collins. Upon my knowledge there was

none; I can justify it?

Lord Ch. Just. Not there you mean, at Mr. Hales's: But do you know there was any, any where else?

Mrs. Collins. No, not to my knowledge.

Lord Ch. Just. Do you know Mr. Hobson? Was there any there that Day?

Mrs. Collins. I know one Hudson.

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Lord Ch. Just. I thought you had said Hobson, Mr. Rosewell. No, it was Hudson.

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Lord Ch. Just. Was there any Conventicle

there?

Mrs. Collins. I cannot tell any thing as to that.

Mr. Rosewell. Then pray call Sarah Bathoe, and Susan Bathoe. (Sarah Bathoe appear'd.)

Lord Ch. Just. Well, what fay you to this

Witness?

Mr. Rosewell. That which I call Mrs. Bathor for, is to Prove that Mrs. Smith was mistaken, when she Swore that Mrs. Bathoe permitted a Conventicle at her House the 20th of July: Upon which, Mrs. Bathoe was Convicted, and brought her Appeal.

Lord Ch. Just. You do mistake, Mr. Rosewell. She says, that Bathoe confess'd that there had been a Conventicle at her House, as she heard.

Mrs. Bathoe. She has convicted me.

Lord Ch. Just. Ay, but it was upon your own Confession.

Mrs. Bathoe. No, I never confess'd any such thing; for I had none there at that time, nor did confess any such Thing.

Lord Ch. Just. Had you ever any Conven-

ticle at your House?

Mrs. Bathoe. That is not it that I am to Answer to now. I desire to be excused from answering that Question.

Lord Ch. Just. Then I will not believe her,

if the talk'd as long as you Preach.

Mr. Rosewell. There was an Appeal brought, my Lord.

Mr. Att. Gen. She is not a Witness, it is in her own Case. It would be a fine thing if an old Woman's Story should prevail here against positive Testimony.

(Then Susan Bathoe came in)

Mr. Rosewell. Mrs. Smith hath Sworn, that Mrs. Bathoe had a Conventicle at her House the 20th of July.

Lord Ch. Just. No; She only Swears that Mrs. Bathoe confess'd it; but her self was not

there, she fays.

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Mr. Rosewell. Did you confess it?

Lord Ch. Just. No matter what she says; it all agrees with that Testimony that she has now given: This Matter, it seems, is depending upon an Appeal, and so she testifies for her self. And when I ask her whether she ever had any Conventicle at her House, she will not tell me; which induces a Suspition that she does not come for a fair Purpose, but only to serve a Turn.

Mr. Rosewell. Pray Mrs. Susan Bathoe, was there any such Conventicles?

Mrs. Bathoe. There was none.

Lord Ch. Just. Why I tell you, you mistake still. Mrs. Smith Swears that Mrs. Bathoe confess d to her that she had a Conventicle, but she Swears she was not there. And take all together, seeing she will not Answer whether she ever had a Conventicle; and so it may be only a Mistake just of the Day: Or she might tell her so, for any thing appears; and for ought I know Hales has had Conventicles. M 4

and what is all this to the Purpose of which you are Accused?

Mr. Rosewell. Call Mr. John Ferne.

(He did appear.)

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My Lord, I defire Mrs. Bathoe may not go away.

Lord Ch. Just. Let her stay then. What do

you call this Man for?

Mr. Rosewell. It is to prove that she has compounded Convictions. Pray Sir, do you know whether Mrs. Smith hath not compound ed with Mrs. Bathoe fince the Conviction, to fer with by the Profecution; and Mrs. Bathoe was prevail'd with fo to do?

Mr. Ferne. Mrs. Bathoe came to me about 8 or 10 Days ago; fays she, I must get you to go with me to the Recorder's. I am pro mised my Money again, that was paid upon the Appeal I brought. I was glad to hear to be it, and went with her; the Time appointed M was five or fix a Clock. I was there a little Mee after five; and Mrs. Smith was not there, that wich was one of the Witnesses upon her Conviction L. Elizabeth Smith, for I served her with a notice with to attend the Recorder. We were there a fecond hear Time at the Recorder's Chamber about fix a McClock; she was not come. We waited hard we do by, and went a third Time; and then she was there, and desired my Sister to excuse her that the was not there earlier; but she did no she doubt but she should have her Money; and waited to speak with the Recorder. Mr. Recorder had several above with him. We waited to several above with him.

an Hour or better. Mrs. Smith went up, and my Sister went up with her, or followed her: And fays the Recorder to her, Are not you he Woman that was with me fuch a Time, with Mrs. Williams? Yes, Sir (fays she) I was. says he, What made you make such haste away? Upon that, Mr. Courthope steps forward with the Book; Sir, (fays he) I have Paid it n to the Clerk of the Peace. Then, fays the Recorder, It is out of my Hands, I can go no further: But promised afterwards to speak with Sir William Smith, the Chairman of the sessions about it.

Lord Ch. Just. I can make Nothing of all this.

What a Business is here?

Mr. Ferne. She seems to be a Rash Woman, ready to Swear any thing.

Lord Ch. Just. Oh dear, Sir! and you seem to be a grave, prudential sort of a Man.

Mr. Rosewell. It me did not on the Meeting was at Mr. Hale's, why was he conwithed for that Meeting?

Lord Ch. Just. I know nothing of the Conviction at all; it is the first time that I have

heard of ir.

Mr. Rosewell. Then if your Lordship please, we desire to have the Record of it read; here

a t is. Lord Ch. Just. Make it appear that she swore, o and that what the fwore was false; and then

Mr. Rosewell. We desire to have these Copies Records read. Here it is per Testimonium Eliat tabetha Smith, or per Sacramentum.

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Lord Ch. Fust. Prove that she swore it.

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Mr. Rosewell. My Lord, we had a very gracious Answer concerning the Petition that my poor Wife deliver'd to His Sacred Majesty in reference to her coming to me; which His Majesty granted with a great deal of Compassion; He remitted it to your Lordship, and your Lordship did second it, for the having the use of what Records should be necessary for my Defence. And upon what Application we made to the Attorney General, it was readily granted: But for the searching of the Records, we have desired it of the Recorder, and cannot have it.

Lord Ch Just. You are much mis-informed in that. I'll tell you how it was: Your Wife, and a young man came to me, a matter of a Fortnight ago, and did tell me, there were feveral Records that were necessary for your Defence, and the Recorder refused to let you have Copies of them. I told her then, God forbid but that you should have all manner of Helps from Records that were Necessary for your Tryal; and thereupon I did require my Brother Jenner, who is Recorder, to attend to shew Cause, why he did refuse to let you have any Records that you thought necessary for your Defence: And he gave me this for Anfwer, that they were Records of Convictions, and were return'd to the Sessions of Peace; fome to Surrey, and fome into Middlefex, and fome were in the Clerk of the Peace's Hands. Whereupon I told your Wife, if she would go to the Clerk of the Peace for Copies of

he Records, if they did not readily give you opies at your Charge, I would make them oit, if she came to complain to me; and if hey would not, I would lay them by the leels. When my Brother Jenner came to me, aid I, I believe that which they have a mind o, is to know upon whose Testimony the convictions are made. Now that is no part fthe Conviction; and that we thought ought ot to be granted. Nor is there any Law for t; for that is to open a Way to the tampering ith the King's Witnesses. After this, there ras Mr. Wallop that came and moved the Court of King's-Bench about this Matter; and re gave him the same Answer, that for any ne to discover the King's Witnesses before hey come to a Tryal, was not to be allowed by aw. If Mr. Attorney had come here, and said, ray give us a List of all the Witnesses that Mr. Rosewell will make use of at his Tryal; we hould have denied his Motion. God forbid ut that the Witnesses you bring should be eard; and that the Witnesses they bring bould be heard; but we must prevent tamperg with the Witnesses on all sides.

Mr. Rosewell. If the Witnesses are suppres'd, is impossible to encounter their Testimony. Lord Ch. Just. What do you mean by sup-

ressing the Witnesses? They are here prouced.

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Mr. Rosewell. Their Names, my Lord, upon he Records.

Lord Ch. Just. Their Names are never ex

posed, nor ought to be.

Mr. Rosewell. My Lord, it is that which mu enable me to make my Defence. If we coul have their Names, we could prove them Pe

jured.

Lord Ch. Just. It cannot be by Law. Yo have the same Benefit that all the rest the King's Subjects have. If any one h Convicted of Treason by Witnesses (twent in Number) we never enter them upon the Record; and if any be acquitted, the Tell mony of the Evidence upon that Acquitta is never enter'd upon Record. It may be i your Matter, it was not upon the Teff mony of Witnesses, that the Conviction was but upon the Notoriety of the Fact, by Confession, as in the Case of Mrs. B thoe; that was by Confession, and Witnesse The Notoriety of the Fact, or the Confe fion of the Party, are all, and each of them fufficient to make a Conviction by Record You have the same Liberty that every Sub iect has.

Mr. Rosewell. Mr. Courthope is the Recorder Clerk, that saw the Convictions in the Clerk

the Peace's Hands.

Lord Ch. Just. We cannot tell that, without the Clerk of the Peace were here.

Mr. Rosewell. Pray, where is Mr. Charle Walker?

(He appear'd.)

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desire you, Sir, to testify what you know concerning the Conviction of Elizabeth Smith upon Mr. Hales, for a Conventicle at his House the 13th of July?

Mr. Walker. You had a Copy of it from the

Clerk of the Peace; I made it out.

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Mr. Rosewell. Of Mr. Hales and Mrs. Bathoe, to you mean?

Mr. Walker. No; only of Mrs. Bathoe.

Mr. Rosewell. Then I suppose we may have t; and the Clerk will testify it to be a true copy.

Mr. Walker. This is a true Copy.

Lord Ch. Just. Then make what use you

please of it. Will you have it read?

Mr. Rosewell. No, my Lord, not yet. If your Lordship please, I desire Richard Drew may be call'd; but however, if your Lordship will, let him read that Passage in t, that I cannot so well read, 'tis in Court Hand.

[Clerk of the Crown reads.]

Memorandum quod ad generalem Sessionem pais pro Com' Midd' septimo die Octobris, tricesimo sexto &c.

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Lord Ch. Just. What do you make from this Here is a Record of the Conviction, which fays that by two Credible Witnesses, and the No toriety of the Fact she was Convicted.

Mr. Rosewell. Pray Call Richard Drew.

(Who came in.)

Pray Sir, what do you know about Mrs. Smith Practice in relation to Conventicles?

Mr. Drew. Upon the eleventh of July last there was an Acquaintance of mine that she did pretend was at a Meeting—

Lord Ch. Just. Who was that that did pre

tend fo?

Mr. Drew. Elizabeth Smith; and she would have had some Money of him. He came to me and asked my Advice. Yes (said I) I think yo had better give her Money, than to run the Hazard of Swearing against you: So he did He took me along with him to a Place when they were to meet, where she took ten shi lings, and promised he should come into a further trouble about it.

Lord Ch. Just. Had he been at a Conven

ticle, or not?

Mr. Drew. That I cannot fay.

Lord Ch. Just. Do you believe he was, o was not?

Mr. Drew. My Lord, I cannot say that h

was, or was not.

Lord Ch. Just. But that is not the Question I ask you; for you would not perswade him to give her Money, if he had not been at a Conventicle.

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Mr. Drew. My Lord, I did not know wheher he was, or was not.

Lord Ch. Fust. I ask you again, did you be-

eve he was, or was not?

Mr. Drew. I believe he might, by his being willing to take my Advice; tho he faid it was a base thing to give her any Money in such Matter.

Mr. Rosewell. Pray Call James Howard.
Lord Ch. Just. There he is; what would ou have with him?

Mr. Rosewell. My Lord, I crave leave first to sk Mrs. Shaftoe; Are you Mr. Hilton's Wife?

Smith. Yes.

Mr. Rosewell. Then I desire Mr. Howard may effify what he knows concerning this Mrs. mith: But first, which Hilton's Wife are you? Smith. George Hilton's.

Mr. Rosewell. What then do you know of

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Mr. Howard. I was once drinking a Cup of le in Grub-street, where she did take a parcel Money in the Concern of the King, my lord.

Lord Ch. Just. Prithee speak up: In what Concern?

Mr. Howard. She took a Bribe in the Conern of the King.

Lord Ch. Just. What dost thou mean?

Mr. Howard. Of a Person that had been at Meeting.

Lord Ch. Just. Prithee, what Bribe was it? Mr. Howard. About 11 or 12 Shillings.

Lord

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Lord Ch. Just. Prithee, of whom was it? Mr. Howard. The Man I never saw, nor the Woman before: I came in by chance.

Lord Ch. Just. How long ago is this?

Mr. Howard. About the middle of July last, Lord Ch. Just. Who did you discover this matter unto?

Mr. Howard. My Lord, I was only drinking a Cup of Ale; and I discover'd it to Mr. Drem that was call'd last.

Lord Ch. Just. Was Mr. Drew one of them Mr. Howard. No; Mr. Drew I am acquaint

ed with; he is my Neighbour.

Lord Ch. Just. When were you at Church last?

Mr. Howard. The last Lord's Day.

Lord Ch. Just. When did you receive the Sa crament there?

Mr. Howard. My Lord, I never did. We have no Parish-Church at present; it is now a Build ing.

Lord Ch. Just. Where do you live?

Mr. Howard. In Mugwell-street.

Lord Ch. Just. Have you no publick Preach ing in the Parish?

Mr. Howard. I do hear Dr. Fowler, and M

Smythies too, fometimes.

Lord Ch. Just. That is when there is no Con venticle (I suppose) in the way. That M Smythies and Dr. Fowler are both very we known.

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Mr. Rosewell. Is Mrs. Anne Fary here? (She did not appear.)

Pray Call Mrs. Anne Higgenson. (Who appeared.)
Do you know Mrs. Shaftoe, or Mrs. Hilton, as

the is call'd?

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Mrs. Higgenson. My Lord, I have very little Knowledge of her; I have known her but a very little while.

Mr. Rosewell. What Testimony can you give

of her Conversation?

Mrs. Higgenson. Since I have known her, I have heard some ill things of her: But I cannot speak to any thing of mine own Know-ledge.

Lord Ch. Just. Why, so People may say a great many ill things of you, that you do not

deferve, nor know any thing of.

Mr. Rosewell. Call Anne Carter.

(She did not appear.)

Idesire Sir John Talbot would please to be examined.

Lord Ch. Just. Here is Sir John Talbot by me. Mr. Rosewell. Sir, I desire you would please to testify to the Court and the Jury, what you know concerning the Conversation of Mrs. Shaftoe, otherwise called Mrs. Hilton.

Sir J. Talbot. She was a Servant, that lived in my House a great many Years; but I did not

Me use to converse with her.

Mr. Rosewell. No, Sir John; but what do you know of her Conversation while she lived in your House?

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Sir

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Sir J. Talbot. All that I know of her is, she had no very good Character in the Family.

Lord Ch. Just. Do you know any thing of

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your own Knowledge?

Sir J. Talbot. As to any thing of my own Knowledge, I cannot speak; it is all no other than Hear-say from all the Family.

Lord Ch. Just. But I ask you what you know of your own Knowledge, Sir John. Tell us the

particulars you your felf know.

Sir J. Talbot. It was the Complaint of all the Servants of the House, that she was guilty of telling Lyes and Stories in the Family.

Mr. Rosewell. Was she reported in the Fami

ly a frequent Lyer?

Sir J. Talbot. She had that Character in the Family; all the Servants complain'd of it. only know of other things fince she was gone out of the Family; and that she has been concern'd in an odd fort of Practice, about attempting to steal away a young Lady.

Lord Ch. Just. Do you know of it of you

own Knowledge?

Sir J. Talbot. I had it from her felf, and upon her own Affirmation.

Lord Ch. Just. What was that?

Sir J. Talbot. It was about the Practice that had been set on foot of cheating People of Money for procuring Fortunes; particularly concerning the Daughter of one Sir Ham Jones. And there have a great many Gentle men been abused about Town in that Matter and made believe that this Woman had an Interest

terest in her, and would put this great Fortune into their hands: I have not been privy my self to any of the Negociations, but I have understood there were such Practices; there was one Salem, and she that were ingaged.

Lord Ch Just. Look you, Sir John, do you know this of your own knowledge? for we must not hear Evidence to take away People's reputation by hear-say: If she hath confess'd any thing to you, you may speak that, and let us

know it.

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Sir J. Talbot. My Lord, if it be not too long to give you the Circumstances, how I come to know it; I will tell you what I have been informed about it.

Lord Ch. Just. No, that is not Evidence, Sir John; unless you know it your self, or had it

by her Confession.

Sir J. Talbot. My Lord, I do not come here as a voluntary Evidence, but I am here call'd upon: And, my Lord, I think I ought to give my Testimony if a Man's Life be concern'd.

Lord Ch. Just. And so ought we who are upon our Oaths, to insist upon it, that you give egal Evidence; what you know of your own knowledge; and I ask you here again, whether what you relate be of your own Know-

edge, or what was by hear-fay?

Sir J. Talbot. My Lord, I had notice fent me the by a Letter, That there was a Gentleman came te to Thistleworth with a Coach and four Horses, In with a Design to steal Mrs. Jones. I cannot tel temember whether there was any Name to

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the Letter, but such a Letter was sent, and I was to enquire about it of this Ellinor Shafto, who was engaged in the Design. I fent to her to come to me, and she did come; and told me that there had been such a Practice of one Salem, and she would bring a Gentleman to discover the whole Business, and she did so and brought this Hilton (by whose Name, (a her Husband) she owns her felf) and he came to me, and gave me a Note of feveral Gentle men's Names that were concern'd in it; an I believe, I have a Book wherein their Name are. I then asked why she did let it solon run, and the Business go on so far. Mr. Hilto did confess, that one particular Gentleman ha been kept in treaty, who was a Countrey-man and came to live in Town, and was in Tow the greatest Part of the Winter upon this De fign; and did walk that Way expecting that this Nan Carter should bring down this Heirel that fo they might have an Opportunity t Steal her. Mr. Hilton had no other way Application to me, but by this Shafto; and confess'd himself that he was a Party concern in the Defign.

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Wife fay? for what he faid is nothing to the

Purpose in this Point.

Sir J. Talbot. She is one that I had no Conmunication with, nor converse, while she win my Family, otherways than as an ordinary Servant; but this same Mrs. Jones wmy Ward.

Lord Ch. Just. Did she confess she had any Design in this Matter; or was to have a Re-

ward for fetting the Matter on foot?

Sir J. Talbot. No, my Lord; She did not particularly confess she had any hand in the Design; but it was that which several other Persons have come and enquired since of my Family about; who have told me, that there was one Shafto, otherwise Hilton, that was concern'd in it.

Lord Ch. Just. That is not Evidence, Sir

John, I must tell you agen.

Sir J. Talbot. My Lord, I can't make the Evidence otherways than as it is. I tell you

what I know.

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VI la Lord Ch. Just. You understand your self so well, Sir John, that you know it is not Evidence; and you are not to talk of what other People have told you.

Mr. Fust. Withins. How long did she live in

your Family?

Sir J. Talbot. I can't tell how long (my Lord) but I believe she was there ten Years. Mr. Just. Withins. That's a strange Thing, that you should keep an ill Woman so long.

Sir J. Talbot. My Lord, with your Permission, she was a Servant when that Child came to me, and when the Mother died; and my Wise did not think sit to put her away; so she came and staid with the Child as long as my Wise could keep her; but at last she did soment Disferences in the Family, Lyes and Stories; and was sound to be a Person not sit to live in the

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Family; and therefore my Wife was afraid to keep her any longer, and put her away.

Lord Ch. Just. Well, Mr. Rosewell, have you

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any other Witnesses?

Mr. Rosewell. Pray call Anne Dillingham.

Lord Ch. Just. Well, what do you ask her? Mr. Rosewell. My Lord, I bring this Wit. ness to prove concerning Mrs Shafto alias Hilton, that she offered to Swear against People as being at Conventicles, whom she had never seen.

Mrs. Dillingham She Lodged in my House, and is a very ill Woman; and asked me to Swear of Meetings, that I never knew any thing of at all in my Life. I never was at Meetings but about Thirteen Years ago. I asked her why I should Swear, or what I could Swear to? She told me, I should have a Share of the Money if I would Swear to what she said; whether it were right or wrong, I should have a Share if I would but Swear.

Lord Ch. Just. How long ago is this? Mrs. Dillingham. Two Years ago.

Lord Ch. Fust. Who did you tell this to first?
Mrs. Dillingham. My Lord, I am Subpana'd

here to give my Testimony.

Lord Ch. Just. That's true; but who did

you tell this that you talk of first to?

Mrs. Dillingham. My Lord, I never told it to any body but her, except it was to my own Husband.

Lord Ch. Just. But why would you keep this as a Secret, and not tell it to any body?

Mrs. Dillingham. Why, my Lord, I don't speak it for any Malice to her at all, I assure you.

Lord Ch. Just. Where do you live?

Mrs. Dillingham. In Long-Acre at the Golden Ball.

Lord Ch. Just. If you live in Long-Acre, how came you to discover any thing of a Matter that was transacted at Rotherhith?

Mrs. Dillingham. My Lord, I know nothing of it, of my own Knowledge; but what she

would have perfwaded me to.

Lord Ch. Just. But how come she to talk to you about a Matter of Rotherhith? or, you to know any thing about her? that I desire to know; And how you came here.

Mrs. Dillingham. One Mrs. Peirce, that is a Neighbour, asked me what I knew of her; and so would Subpæna me, because she Lodg'd

at my House.

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Lord Ch. Just. How long did she Lie at your House?

Mrs. Dillingham. I can't tell; I believe about Half a Year.

Lord Ch. Just. Well, what became of her?

How did she behave her felf?

Mrs. Dillingham. My Husband turn'd her out of the House, and would not entertain her; because she kept Company with a Man that was none of her Husband.

Lord Ch. Just. Why, can you tell when they

were Married?

Mrs.

Mrs. Dillingham. She went as the Wife of Mr. George Hilton, when she was not Mar. ried.

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Lord Ch. Fust. How! Was she not Married then?

Mrs. Dillingham. No, they were not Married then. He was not her Husband then, There are a great many of our Neighbours that can fay more than I. She is a naughty, filthy Woman; a very ill Woman; If I should the call her Whore, I believe she might trouble me for it; but I believe it to be true.

Lord Ch. Fust. Have you any more Wit.

nesses, Mr. Rosewell?

Mr. Rosewell. No, my Lord; But I hope your Lordship will give me Leave to say something to the Court and Jury.

Lord Ch. Just. Mr. Attorney, Have you any

more Witnesses to Call for the King?

Mr. Att. Gen. My Lord, we have some Witnesses to support the Credit of these Witnesses that we have produced: But we don't think there is any need; nor that it is any way diminished by the Defence of the Prisoner at the Bar.

Lord Ch. Just. Do as you Please, Mr. Attor-

ney; go on your own Way.

Mr. Att. Gen. No, my Lord; we shall trouble your Lordship no further with any Evidence.

Lord Ch. Just. Then, Mr. Rosewell, let's hear what you have to fay further for your Self; for all the Witnesses have been hear'd, of one Side and t'other. Mr.

Mr. Rosewell. My Lord, and dear Countrymen who are to be my Judges in this Cause this Day; What I now speak, is with respect as much to their precious Souls, who are conern'd either in Prosecution or Trying of me, as my own Safety. There is not a Man of you of the Jury, tho' you are Strangers to me, but I would lay down my Life to Morrow to fave y, one of your Souls, if I might be an Instrument therein: How much more than therein: How much more then all of them, if the Consideration be taken of the Worth of an Immortal Soul? Your Lordship knows, and Iam sensible, how unfit I am now to do such athing as this is, in the Company of fo many Learned Gentlemen of the long Robe. I have betray'd already too much of my Ignorance in fuch Affairs, and I beg your Pardon for it; and I humbly thank your Lordship, and the Court for the Indulgence that you have shewn towards me in my Infirmities. You are my Lord, as in the Presence, so in the Place of the great God, the Judge and Lord of all, at this Day: You are Elohim, I have faid ye are Gods; whose Property it is to help the Weak, and compassionate the Innocent; therefore I make this Apology in reference to my own Innocency, and my great inability to fumm up the Proofs that have been in this Cause. If you will put my Weakness in competition with their vast Abilities, who are of Council for the King against me; and my Ignorance in the Laws of the Land against their great Knowledge; I cannot but expect to be overthrown, notwith-

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standing my case is very innocent, and I have declared in the Presence of God the Truth of that my Heart this Day. And if I were to be call' to the Bar of the great God, the Judge of al Mothe Earth, before I fleep; I should speak the same Thing, and must, and no other. I am nel fensible, a Lye is both a base, and a very wic ked thing; and that the Lake that burnet with fire is prepared for all Lyars. And I pra God to convince these Gentlewomen wherein they have wrong'd and abused me; that the may repent of their Sin; which (I blefs God may repent of their Sin; which (I bless God the I have prayed for for them most Days eve Me fince I was confin'd, and beg'd it of God with Tears, in Charity to their poor Souls. And fice I believe I have pray'd more for his Majest who in one Week, than they have done in all their than Lives. They are not the King's Friends, but they his Enemies, in bringing fuch Allegations again not those that are his true, faithful and innocen Man Subjects; as I am, my God knoweth.

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And here, my Lord, I would first observ the Variations that are in their Evidence. I the first place, Mrs. Smith swears, That the nt Text I preached upon was the 21st Chapter the Genesis. And here is Mrs. Hilton comes, and And she swears afterwards, that it was the 20th Hou herein they vary. Then I suppose, My Lord icul if they vary and differ, in Law they are no the of them incredible: And I think the Statute only Law of this Land is, that a Man must be con her victed upon the Oath of two Credible Wit ercif Next neffes.

Next, my Lord, Here's Mrs. Smith swears, o hat these Things were delivered, which are harged in the Indictment alternation al Morning-Exercise, in the Forenoon: Whereas the your Lordship has heard from several Witnesses (and I do not know one Man of them ic but fears a Lye; and would have Sworn to the Truth of what they have spoken. They tell you) how every Passage that these People would pervert must come in, and how it was divided. I hope your Lordship will pardon the Infirmity of? two or three, a few illiterate Men, that are weak, and could not so well instruct themselves to speak in a Court of Justice upon such an Occasion. But upon the whole Matter, they give fuch an Account, all, that it cannot be presumed, or thought that they should agree to speak any thing that was Man of them but would take his Oath, (as I aid) of the Truth of what he has here declared. And they have declared that there were two distinct Exercises, as I have protested the Presence of the great God. That in the Morning was upon the 20th of Genesis:
And th' other in the Afternoon (there being an Hour that past between,) was upon one particular Verse of a Chapter in the Epistle to the Hebrews, quite distinct from the other Disbourfe that was in the Morning. She not only varies from the Truth, but also from her Fellow-witness, that it was all in one Exercise. This I submit to your Lordship's and

the Jury's Consideration (these worthy Gentlemen that are to judge of my Life, and Death,) whether they are two Credible Wit

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There be several other Things (my Lord that because of my present Infirmity, I ma not so readily call to Mind; but which ough to be recall'd and recollected; as in reference to the Person whose House we met at; On says it was one Capt. Daniel Weldy's: Anothe that it was one Mr. Daniel's. Therein again they vary, in reference to the Person; and it they are out in one Thing, they may be out in another.

Smith. I can fay nothing about his Name

I never was there in my Life before.

Lord Ch. Just. Mrs! Mrs! You must no interrupt him; he is upon his Defence for his Life.

Mr. Rosewell. Then, my Lord, she says that my Text in the Afternoon was upon a Psalm and there was no such thing as your Lordship has had it particularly made appear to you I have ingenuously told you the Text, and the Truth; I have spoken it from my heart in the Presence of the great God; and upon what occasion every Passage that they have wrested was spoken: And your Lordship may thereby perceive how most abominably they have perverted my Words. Now they having wrested my Words that are innocent in themselves (so far from being Treason, that I do not know there was any Fault or Crime

in them; being only plain Scriptural Proofs of Doctrinal Propositions in Divinity, without those Applications that they have pretended to) certainly your Lordship and the Gentlemen of the Jury will consider, what is most probable or likely; what they have declar'd, or what you have heard from the several Witnesses that have come in to testify con-

cerning me.

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My Lord, I was going to speak something to your Lordship of the great Wickedness of their making the Application of what was innocently spoken and meant, to the late King of England, and his present Majesty, whom I daily pray for, and always did; whatsoever these Witnesses have declared concerning me. And your Lordship has heard my Maid testify (which I little expected) That I use to Pray for the King every Morning and Evening in my own House; and God knows that to him I have addressed my self for him daily: And more than that she heard me (when I thought none but the God of Heaven himself had heard me) Pray for him in my Closet. I would defire your Lordship, and the Jury, to consider, whether these are not the Criminals (and not I) that have made application of innocent Passages, and wrested the Words that were plain and innocent in themselves, to a wrong meaning, to make me Guilty of High-Treason; applying them to His Majesty, when I never intended, or thought the least of any such thing. My

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My Lord, I doubt not but there have bee feveral that have joyn'd in it, that have help'd to frame and forge this Accufation a gainst me. And there is that which I fue gested to your Lordship in the Morning, in the beginning of this Cause: These Persons have not only, or fo much Sworn me a Knave; Bu a perfect Fool and a Mad-man to speak such absurd, incoherent, inconsistent, sollecistica and nonfenfical Things. I believe there is n Man of common Sense and Reason; no Gen tleman that's here this Day, that can imagin that a Person that had the use of common Sense and Reason, should speak such absur Things as thefe are. Besides, my Lord, I have brought Witnesses, several of them, to testif there never was any fuch Thing spoken by me as they have testify'd against me, and mil apply'd. I have likewise produced several Perfons to give Evidence of my usual and constant Practice with relation to the King and Govern ment all along; my contending for Monarchy, and against Anarchy, which did too much reign in these late Days of Confusion, which I remember by very fad Experience, tho' I was then indeed but a Child. And when I came to be a Man, I used always to observe the 30th of January, and the 29th of May: Preaching upon those Days, and pressing People to Obedience; and inveighing against those that had acted against their Principles, and were Rebels either against his prefent Majesty, or had been concern'd in that bar-

arbarous Act against his Royal Father; which

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And, my Lord, Methinks it should have been very unlikely that a Man that should make it his common Practice so to do, as I have testify'd concerning my self, should fall under such a Suspicion and Accusation as I now am; Or, that such an one should fall into such a Sollecism, as the Words that are testified against me must import; it is very unlikely. I leave it to the great God of Heaven to vindicate my Innocency in the Matter; which I do not question but he will do.

Then, my Lord, here are feveral Gentlemen of the Church of England that have testify'd concerning my Conversation. They have had Acquaintance with me many Years, some of them near 20 Years; the least, 8, 10, or 12. They never heard an indecent Word, with respect to His Majesty, or the Government, fall from me; any unworthy Reflection upon either of them: But my constant Practice was to pray for His Majesty with all earnestness. and sollicitude. There are several of them Gentlemen of repute in the City. There are particularly two Persons that belong'd to an honourable Family, in which I lived fo many Years, who give a Testimony what my Conversation there was; and my constant Practice of praying for the King, while I was there. This, your Lordship, and the Gentle-men of the Jury, have heard and observed; I doubt not.

But

But, besides that; your Lordship and the Tury, I hope observe as to these People who Swear against me; what my Witnesses have testify'd; that they would swear any thing and forswear it; And what a Character i given concerning one of them particularly your Lordship has heard from that worth Gentleman, Sir John Talbot, whose Face I neve faw before it was in this Place. And by the last Witness, you have a Testimony concern ing her lew'd Conversation. And several other Witnesses prove she would Swear any thing for them, if they would Swear for her. Si that it appears she would, and does Sweara a venture fuch and fuch Conventicles; only upon hear-fay, and meer report: And that The has taken Money, and made fome Compo These things I must refer to your fitions too. Lordship, and these worthy Gentlemen, who are of the Jury.

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If then my carriage and Conversation (to well known in the World) be compared with that Character that is given of these Persons: I must humbly submit it to your Lordship, and the Jury, how far they are to be believed against me; and might argue from the Incredibility of their Testimony; but your

Lordship cannot but remark it.

My Lord, It is very Strange that these two Women should so exactly remember these Words. They agree in every particular Circumstance. I durst appeal to your Lordship,

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hip, and the Jury, particularly to the Jury, f now they would undertake to repeat upon heir Notes, the Words that have so often been repeated here; and whether there is any of them would be able to agree in all the particular Words? They have an incredible Memory that could fo exactly agree together that hele were the Words. I do humbly fubmit his to your Lordship. For, my Lord, Ilay the stress of my Defence very much not only upon the incredibility and improbability, but even the impossibility of the Evidence that they have given. I humbly submit it, I say, to your Lordship, and these Gentlemen; and leave it with them and the great God of Heaven, whom I pray to direct them. I hope they will consider the Life of a Man. and the worth of Blood. My Lord, however I am represented this Day, I know my self to be a faithful Subject to His Majesty; and to the great God of Heaven, whose I am, and whom I desire to Serve.

My Lord, I will now, if you please, ingenuously confess my Crime, if it were any. I have been frequently Preaching, in my Congregation, out of the Scriptures; and it is true, as your Lordship sees, the Chapter came then in course to be Expounded: Which I use to do, to let the People understand the Scripture, as well as I could; for the People perish for lack of Knowledge; and it is by the Knowledge of Jesus Christ that they must come to Life and Salvation; for him to know is Life Congression.

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Eternal. It has been my way to Expound the

Scriptures to them.

In the Presence of the great God, before whom I fpeak, to whom I can appeal for the truth and integrity of what I fay, that God before whom we must all stand, (all whose Faces I see here shall meet, and see one another at the great Tribunal,) It is to this God that I appeal as to the Truth of my Heart in these Things. And, my Lord, I shall continue as I have done, however God dispose of lon me, to Pray for the Life, and Happiness of His Majesty; my usual Prayer, Morning and the Evening being, that God would crown him for with Grace here, and Glory and Honour hereafter. And this I shall do by the grace of the God unto my Dying-day; For my Soul does it abhor fuch Things as have been testify'd against mi me this Day.

Thus, my Lord, I have dealt as plainly with Pr your Lordship and the Jury as I can. My Infirmities are great. I desire to leave my Pa whole Cause with the Lord; and with these worthy Gentlemen my Countrey-men, who I do not question will have a just compassion and consideration of my Case, under these Circumstances wherein I stand; and to all the of Circumstances that have been made out in

this Caufe this Day.

Lord Ch. Just. Mr. Attorney, Will you please, or any of the King's Council, to fay any thing in this Matter?

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Mr. Att. Gen. No, my Lord, we leave it en-

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Lord Ch. Just. Gentlemen of the Jury, this Case has held a long Time; and Gentlemen, I must tell you, no body ought to think Time no too long in a Case of this Nature, wherein the Government is so much concern'd on the one in side, and the Life of the Prisoner at the Bar on on th'other. Et de vità hominis nulla est cunctatio of longa. I think no Man ought to apprehend his Patience too much tired in finding out the Truth in the case of a Person that is tried for his Life. However, Gentlemen, by the way; because the Case has been long, it is fit of that there should be some recollection made of it; and in order, as near as I can, that I might help your Memories in the Evidence that hath been given, both for and against the Prisoner at the Bar; I would endeavour as well My as I can, to repeat, at least the Substantial Part of it, to you; and in case any thing that is material be omitted, God forbid but it should be supply'd by any one that is able for to give on any Affistance of that kind; for I cannot ir pretend to be so exact as to give an account of the whole Evidence my felf. But Gentlemen, I must tell you, it is a Duty incumbent upon the Court, to give you all the Assistance that can be in a Matter of this Nature, and with as much Integrity, and with all the Care and caution of doing no Injury, either to the Prisoner or to the King, between whom we are to be indifferent, both you, and

the Court, as possible can be; that there may be no wrong done on the one fide, or on the other; and, according as the Prisoner himself hath faid, what I shall speak, I know I speak in the Presence of the great God of Heaven and Earth; who is to be the Judge of all Men. We are upon our Oaths, and you are upon your Oaths; and we are all of us Bound by our Oaths that we have taken, to be guided in this weighty Affair, (for fo I must call it) by the Evidence that has been given to us at this time, both against the Prisoner and for For certainly there cannot be a Thing of greater concern, nay, even in point of Compassion, than to see any Man come to be accused of so high a Crime as the Prisoner at the Bar is now tried for. And he must have a strange obdurate Heart and Conscience, that cannot so far participate of the common sympathy of human Nature and his fellow Creatures, as to compassionate any one that stands in fuch Circumstances as the Prisoner does. But, then on the other hand; the Denials of the Prisoner at the Bar, with all the Imprecations that he has made; and all the Affirmations that he has offered of what he has formerly done; and all these things of his appealing to the great God of Heaven about his Innocency; that I must tell you, of themselves, they are not to weigh with you; for your Business is to know according to the Oath that you have taken, whether you have Evidence given to you, (fince you are Sworn upon this Tryal)

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Tryal) to fatisfy you, that he is Guilty according to that Evidence. So that if the Affirmation of the Person accused, tho' attended with never fo many Imprecations one way, or other, be offered to Persons that are in your case, as Jury-Men, it is not to weigh with you at all one way or other, if it be only the Affirmation of the Party accused; for if so, then there would never be any guilty Person brought before any Jury whatfoever; or any Criminal could come to fuffer any Judgment, or be convided of any Crime; if his own Affirmations concerning himself, and his own Commendations of himself would be sufficient to Acquit him, and fet aside his Accusation. So that now you are to go according to the Evidence offer'd; and so are we, against this Person that is here before you.

Gentlemen, I must say that it is very untoward; and I hope by this Cause there will be a warning given, at least, to other Persons; that there have been too many notorious Transgressours of the Law in this Matter of Conventicles. I speak that, not to affect this Case at all; but I speak of what the Nation hath had but too woful Experience of, as to these Seditious Meetings, that are, and have been continually kept up in Opposition to the. Laws; and I speak nothing as to the Meeting that was at this time; but I speak it that others may be warned for suture Times; for always Mischief attends the open and pub-

lick Transgression of the Law. God forbid,

but

but that People should worship God, and serve him according to their own Consciences; there fore the Law has been fo indulgent to them as to give them leave to exercise their Religion in other manner than as is done in the Church of England; provided there be not any occasion of Tumult; but that there be not above Five, except those of the same Family, meeting together; which you know the Ad of Parliament hath provided for. And the truth of it is, the Reason of the Law is very plain; For you all know, who are Gentlemen of Quality, that this Law, as well as another Law that has fo great a relation to the Case before you, does declare, that from these Seminaries of Sedition and Faction, these Conventicles, and the Clubs and Cabals of discontented, ifregular People, difaffected to the Laws both of Church and State, was the great Mischief and Confusion that was brought upon us, and which at length brought us into the Diffractions of the late Times.

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Gentlemen, I must say likewise this to you, that whatsoever the Prisoner at the Bar thinks now, that blessed Martyr King Charles the Ist. was by such means brought to that horrid, accursed, murderous Death and End; I cannot call it less than so, in relation to the Persons that brought him to it, under the Pretence of Religion. It was the Cry of Popery and Arbitrary Power, of which he was no way Guilty, tho' that was infinuated into the Minds of silly People, those ignorant Souls that were easily

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eafily captivated with a base Lye; but that was the Occasion. Many of you Gentlemen, that are yet in being, remember it your felves; and many of you have, and cannot but have feen and read the History of those Times, and have been so conversant with the Practices of these People since, that you are able to make a Judgment in the Matter. All these fort of Things are but Pretences, and fair shews of dangerous and feditious People; that which was most dangerous to us at that Time, and I am apt to believe will be so to the World's end. For when People come to guild over their bitter Pill of Sedition, it is always under pretence of Religion. For a Lack-a-day, perhaps there were as many Rebels against the late King raised by the beating of the Cushion in the Pulpit, as by the beating any Drum in the Street; for it is well known these are the Bell-weathers of the Faction, that under pretence of Religion, come there to incense the People to commit all these Villainies that sometimes they are incited to do, as we know; and to prepare the Way to bring us into that condition, that we were in, in the late Times: And particularly, were used as Instruments to bring that blessed Martyr, King Charles the First, to the Block. These Pulpiteers took Occasional Texts, of binding their Kings in Chains, and their Nobles in fetters of Iron; and raised up such Doctrines from Texts of Scripture, that were certainly intended for quite far other Purposes, to countenance their Practices, to make People kill 0 4

and flay God's Anointed, under pretence of faving and protecting the Anointed of God But who did they mean by it? Pray how did these People come to take upon them to preach against Popery, when indeed they were preaching down all manner of Religion, under the Pretence of that? So that you grew to have as many Religions as there were Sects or Diff fenters in the Nation; and never any could be tolerated that were not grown into the Party, but they came all into Office, and the more extravagant the more prefer'd; fo that without the Bleffing and immediate Providence of God, by a fecond Refurrection, reducing us into some fort of Order, in restoring his Sacred Majesty (whom I pray God grant long to Reign over us; and fo ought all Loyal Subjects to Pray) what a miserable condition had we been in? And I may call it a second refurrection, it being the Refurrection of our Religion; we were turn'd all into Confusion; we had no other Religion, at least apparently Predominant, but that that had the strongest Army to support it, and that had force enough to contribute to what the luxurious, debauch'd Professors of it would make to be Religion; for they were the Possessors at that time of all things.

Gentlemen, I speak this, because even the Laws that have been made fince the Restoration of the King, have taken Notice, that the beginning of all the Mischief hath been this; and that the great Incendiaries of all

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Sorts of Rebellion were these who took upon them in their Pulpits, under colour of Religion, to countenance Rebellion and Treason. Confusion and Anarchy. Now how far these things have been known to you all, that I must leave to you; and must betake my self a little nearer to the Case, having premised these things; to which I would add this as a Warning to all People; that they would not abet or affift in any Meeting against Law, or that is known to be against Law, whatsoever they think; for there will Mischief come upon itone time or another, let them pretend what they will. As that Gentleman fays, he undertook to Expound, and teach his People the Knowledge of the Lord; the Knowledge of the Lord is a very good Lesson to be learn't, and to be taught all People; but bleffed be God, we thank him for it, we have Churchmen of as great Learning, (without any reflection upon the Gentleman at the Bar) as he can pretend unto; and Men as Pious, and Virtuous; and perhaps we may fay at this time, with a little more Confidence than ordinary, that we have as Learned a Clergy as ever was fince Religion was known within this Kingdom. And God be Thanked, these Men are not only learned for themselves, but they exert themselves for the good of others, for the Satisfaction of that Duty in which they are imploy'd, by their due and constant Attendance upon the Worship of God, in their Places of Worship, the Churches which are by

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Law appointed for it; and we need not run into Holes and Corners, and Conventicles, and Clans to understand the Word of God and the Practice of our Duty towards him, or towards Men; because we have Churches to apply our felves to, where we may learn to know God to obey him, and them that are put in Au thority under him; which I am fure is a Duty incumbent upon every Preacher of the Word of God to insist upon, and press and urge And I am fure, who foever Preaches at a Conventicle cannot with a fafe Conscience preach Obedience to the Civil-Magistrate; because while they are in that very Preaching, they are acting Disobedience against his Laws; in regard what they do, is against the Authority of those Laws under which they live; and no Man can Preach well against that which he knows in his own Conscience, at the sametime he is practifing himfelf.

So that Gentlemen, I must tell you this is a wonderful dangerous thing; and therefore I give it as a Caution to all People to beware how they break the Laws by going to such Meetings, and Conventicles as these are; for it will have at the long run one time or other a very dangerous Issue. And there is another thing which is wonderful dangerous too, to see what Shoals and Crouds of People come to these fort of Meetings; People of all sorts of mean Trades and Professions. And how easy is it, if a Man has a Mind to insinuate into some silly, ignorant People, common, illiterate Fellows

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Fellows that can neither write nor read, some of them; yet thereby to feel their Pulse, to fee whether they will swallow down such a Thing, or fuch a Pretence at first? For they did not in the late Times begin with open Rebellion, and preaching the Doctrine of depoling of Princes, or bringing them to the Block; but they tryed with feveral previous Ways, and as the Bait funk, and was fuck'd in, they attempted to try further. ply'd themselves perpetually to pursue the temper of their Auditory; and therefore we must have a great deal of Care to prevent all fuch Mischiefs as these are for the suture, that they may give no countenance to fuch, who pretend to be Expositors, but are very ill ones of the Scripture; and thereby instill into the Minds of Men fuch dangerous and pernicious Doctrines; that the Scripture may not be perverted, to give an Authority to fuch desperate Things as these are; for we have known over and over how easily People are drawn into Mischief in this Age, even by the very same Train that they were, in the time of the late Rebellion.

Now, Gentlemen, these things being premis'd, I would take notice to you, that the thing now before you, is a Question of a different Nature from what I have now spoken of. It is not the Question that you are to try; Whether he preach'd at a Conventicle or not; or whether the doing of that which he did in so Preaching, is against the Law or

not;

not: But whether he did at any Meeting, (espe cially as to the time that is particularly fpe cified) speak Words of the same substance, to the same effect and intent that are comprise in the Indictment. For tho' he did Preach a a Conventicle, and thereby did transgress th Law; yet in case he did not Preach to the Substance of what is contain'd in this India ment that hath been read unto you, and that he is accused of, he must be acquitted. Tha I must declare to you for Law, as no doub it must be acknowledg'd to me to be; there fore you are to take care upon your Consci ences, to try and confider whether or no you believe these three Witnesses that have been produced against him, swear true; or are guilt of wilful Perjury. For indownright plain English they are guilty of Perjury, if he be not guilt of the words laid in the Indictment. One of the two is certainly true; either they are guil ty of Perjury, or the Prisoner at the Bar is guity of the Treason laid to his Charge; pray God direct you in your Enquiry; for it is a Question (I must needs say) of very great Difficulty.

Gentlemen, for the intention of a Man Heart (I must tell you this for Law) as to the compassing and imagining of the Death of the King, it is not to be discovered but by fome Action; fome Word or Overt-Act, there might be to interpret the fecret Imagination of the Heart. It is impossible to discover, of disclose the Imagination of any Man's Heart

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Now Gentlemen, Words that in themselves may bear a good Construction, and are good Words, yet coupled with Actions that are Evil, or other Words that are Evil, these very Words may be a Discovery of the evil Imagination that is in a Man's Heart. As to express my self in a very familiar Example, for the purpose, that I may make things as plain as I can, for that is my defign, and ought to be every one's that is concern'd in such a Matter as this. Because we have had ome Discourse concerning the late blessed Martyr King Charles the First, he was here brought to a Shambles of Justice; for I cannot call it a Court of Justice, however they called it a High Court; and there was a kind of Mockery or Pageantry of a Tryal. He was Arraign'd and Try'd for Treason, and a new notional Treason, never yet invented nor known of before amongst us, Treafon against his People; I fay, new and never thought of till these Butcherly Fellows that fprung out of the Shambles came to put it in Practice; erecting what they call'd a High Court of Justice, but which was truly to be call'd a High Court of Injustice; and there they were to have some come and cry Justice, Justice, Justice upon the King. Gentlemen, Justice is a good Word; but if that Word be used and spoken as it was in that case, in order to bring the King to his Death, that which

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was a good Word, and if otherwise used, had been a proper Word even at that time; that is, if apply'd to good purpose, to set the King and the Nation free; yet being apply'd to the bringing that Sacred Martyr to fo horrid and barbarous a Death, that was plain downright Treason; and I make no difficulty in the you World, (nor can any Man that understands any thing) that it was fo by Law; and it was an Overt-Act fufficiently indicating the intention of all Persons that were therein concern'd to put and bring the King to utter Death and Destruction; and all these Fellows that made use of that good Word, Justice, Justice, Justice, were all undoubted Traitors; making

use of it for that ill Purpose.

Gentlemen, again; Suppose if Mr. Cook was a Man of Law, that was Sollicitor of what they call'd the Common-wealth at that time, Sollicitor to the State, (I only speak this to explain my Mind) if he comes (when the King had just ground to dispute the Authority of that Court of Injustice, that he was dragg'd to, and refused to Plead) and does pray Judgment against the King, as he did, and it was proved at his Tryal. Judgment alone might be there meant as tending to excuse the King, as well as to Sentence him to Death; yet he being there, praying Judgment against the King, and which was afterwards at his Prayer fo pronounced; that shew'd what his Opinion of the Word he used was at that time; and that made him a Traitor, and was an Overt-Why Act to discover his Guilt.

Why fo, Gentlemen, I am to tell you, tho' there are Words that may be used in a Scriptural Way very well, and to very good Purg pose; yet if they be applied to an ill Purpose, they may be a sufficient Indication of a Man's ompassing and imagining the Death and De-fruction of the King. Therefore Gentlemen, fruction of the King. Therefore Gentlemen, you are the Judges, whether if in this case, he speaking these Words, of destroying our Eneas mies, and standing to our Principles, they have
not an Allusion to the former Words; and whether they are not Expositors of the Mind of
this person, the Prisoner at the Bar, of comde passing and imagining the Death and Destrution of the King; and I do this on purpose to remind you of what is necessary to let you into the Question.

Now for the Testimony against the Prisoner at the Bar, you have three Witnesses.

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First, You have Mrs. Smith, she does directly Swear that she did frequently, several times to between the 13th of July and the 14th of September, to hear the Prisoner at the Bar Preach at several Conventicles or Places of Meeting. She tells you the particular Days; as the tells you as to one, that she heard him the he 20th of July. She heard him another time he 10th of August, according to the best of he her remembrance. She heard him again the he 17th of August, the 24th of August, the 31st er of August; and she heard him the 14th of Sepember; this is according to the best of her renembrance. She both tells you the Time and

the Place, and she heard him Preach at these both Conventicles. All that she says as to this, is was introductive to what she speaks of the 14th of Str. September, which is the Day to which the Indictment does refer; and this she does say may positively, that upon the 17th of August, he was pray'd that he might be forgiven for not Pray beginning to the Kinga and by that she would have ing for the King; and by that she would have he you to understand, as she would infinuate, that the he did not use to Pray for the King.

Mr. Rosewell. [Turning to the Jury.] I made use of the Words of Samuel, God forbid tha

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I should cease to Pray for him.

Lord Ch. Just. Sir, you must not talk to the

Tury now; I am directing of them.

Mr. Rosewell. My Lord, I beg your Pardon it was to fet the Matter right. It was mil

apprehended.

Lord Ch. Just. All this is Antecedent to the Matter for which he is accused; and you se his Answer to it, from a Text of Scriptur that he offers to you, which he did not re peat with dislike to pray for the King; bu that he thought it his Duty always fo to do.

Then she tells you particularly at another time, which, I think, was at the House of on Paul Shed; I cannot particularly tell, directly the Name; there was a Talk of the Recorder and of the Lord Mayor of the City of London but that was before this time. And afterwards With the first and the second Witness, two of then more, give you an Account, tho' they were her never there but then; That he began to tall Capi abou

bout the Fire, and that he should say there was a great Man at the Corner of Grace-Church-Street, I need not name his Name, for you all know him very well; that he met with a poor Man, tho' indeed he was not a Poor Man, he was a labouring Man, a Carpenter; and they began to talk much concerning the Fire and the did say, That in case it had not been for that great Man, there had been no such Thing is the Fire in London: nor if it had not been s the Fire in London; nor if it had not been by the Fire in London; not in the land of the Lord Mayors and Sheriffs afterwards, as there had been no fuch Thing as the Fire in the land Wanning. And I take notice too, Southwark and Wapping. And I take notice too, that at the same Place, which was Shed's House, hat they spoke of, there is Mrs. Farrar, aa mainst whom there is not the least Objection hat I can hear of; She agrees both in the Cir-umstance of Place and Time, and of the Words, he and to the Dialogue about Grace-Church Street, and the Carpenter; and to the previous Words, that he was not a poor Man, and the like; nd about the Discourse relating to the Fires of London, Southwark, and Wapping; and likewise relating to the Lord-Mayors, and Allermen, and Sheriffs; these Discourses were at hat time.

Gentlemen, the next Testimony you have, let sof these Witnesses that speak of the Time

on hat is in the Record; which all the three Witnesses that you have heard, speak to; tho' he most of what I mention'd before, was another Time: And this is at the House of one call Captain Daniel; one says, Capt. Daniel Weldy.

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But that it was a Captain that was then at Sea. is plain; for this Gentleman himself, Mr. Rose. well, does not deny that this was at Capt. Da. niel's House; and that he did pray for him, as being then at Sea, and for all his Family; and all the Witnesses speak to the same time. Tho indeed the first Witness did say, that she did not know but it might be Capt. Daniel Weldy; but she likewise said, she did not directly know his Name. But she directly Swears to the very Words that are mention'd in the India. ment. She does directly Swear that Mr. Rofe well preached upon the 21st of Genesis. Says she as I remember; tho' Mr. Rosewell did think there was a difference between the Evidence of the one and the th' other Woman about the 20th or 21st, yet it was only upon her remembrance, as well as she could, and she did not positively Swear it was in that place but according to the best of her remembrance And the fecond Witness, Mrs. Hilton, when The come to Swear, the faid it was either the 20th or 21st; but in so many Words she did directly Swear, that he should Preach that the People made a Flocking to the King on purpose for the Curing of the King's Evil; but the King could not do it; but we are they that the People should flock to for the curing of all their Evils. Which are the very fame Words in Substance that are in the Indictment.

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The very same words in Substance, says that other, the second Witness; the same Day, in the same Place, did I hear Mr. Rosewell then speak

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speak these Words; and they go further, and the same Witnesses both Swear, Hilton and Smith, that Mr. Rosewell should say, We have had two wicked Kings together, who have suffered Popery to come under their Noses, who can be compar'd to no other Persons but wicked Jeroboam. Mrs. Smith Swears these Words directly, and Mrs. Hilton fays, fhe thinks there was the Name of Rehoboam mention'd; but she is sure there was mention of two wicked Kings, in the same Words as Mrs. Smith speaks. go yet further, and fay, both the one and th' other of them, That he faid if the People would stand to their Principles, he did not doubt but they bould overcome their Enemies as in ancient Times with Rams-horns, broken Platters, and a Stone in a Sling. The two Witnesses, both Mrs. Smith, and Mrs. Hilton Swear to the very Words, and at least to the very Substance of them; and if there should be some little Variance in some few of the Words, that will fignify nothing if the Substance be the same.

But now Gentlemen, besides these two Witness, there is a third Witness, Mrs. Farrar, against whom (that I can see) there is not the least Exception in the World, if you remember any, you will do well to consider of it; you may be better able to recollect what has been spoken or offered than I can in so long a time; and you ought to endeavour (being Men of Understanding, and good Quality) to refresh one another's Memories, and make what Observations you can; which I perceive

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you have taken Notes about, some of you at leaft.

She does directly Swear as to the business of the King's Evil, The same Words that the other two have Sworn, about flocking to the King to Cure the King's Evil which he could not do; But they were the Priests and Prophets that could Cure the Maladies of the People. And as to the fecond Words, She swears that he said there had been two wicked Kings that had suffered Popery to come in under their Nofes. And she Swears in the third place, That there was likewise an Exhortation to stand to their Principles, and that they should overcome their Enemies. She does not indeed particularly tell you about Rams-horns, and the Platters, and the Stone in the Sling, but only of standing to their Principles, and overcoming their Enemies: Which I would have you particularly to take notice of, it being the material Part of the Indictment, to make these Words Treason.

Now Gentlemen, give me leave to tell you, there is great regard, and very great, to be had to the Circumstances in this Case; to fee how far these things are to be tack'd together. First, you remember the Witnesses were examin'd apart. And it does not appear that they have talk'd together; and there was all the Care taken that possibly could be, they should be out of the Court, and out of one another's hearing; fo that there was as much endeavour to detect the Falshood of their Te stimony (if it could be) as possible in any case, even

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even in the very most minute Circumstance. Mrs. Smith Swears, that Mrs. Hilton came to her House on Saturday Night; that they went together to the House of this Capt. Daniel upon the 14th, about Seven of the Clock; that they were there before Mr. Rosewell came in; that there was a Lower-Room in the House; and a little higher there was a little Room; and then there was a Room up two Pair of Stairs, where there was a Bed; that Mr. Rosewell stood upon the Stairs, but they both fate upon the Bed, together with one of Mr. Rosewell's own Witnesses, which was the Mathematical Instrument-maker, and that he was in a Mourning-Cloak; and that there was particular notice taken of a Pair of Shoes given by Mrs. Smith from under the Bed to the Child of that Mathematical Instrument-maker; and that there was Prayer made for Capt. Daniel the Master of the House, who was then at Sea, and for There were these Cirhis Child and Family. cumstances, every one particularly asked of the Witnesses, and Sworn to by them in the very fame Words; the fame manner of Posture, the same Things done both as to the Room, the Bed, who fate upon the Bed, the Mourning-Cloak, the plucking off and delivering of the Shoes; that I may appeal to your Memories, if they did not agree to a tittle exactly.

Then they began to enquire further concerning other Expressions of Mr. Rosewell at other times: Something about People in Scar-

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let, and fomething about Canting: And Mrs. Smith tells you, that he did speak something about Canting; that he was talking concerning that Word; says he, I will tell you what that Canting means; I went not long ago thro' a Cathedral where the Organs are, and there the People were gather'd together, and they were Singing the Lord's-Prayer, and I don't know what; I heard them Sing, and I could not but laugh out; and he broke out in his Sermon into a He! he! that is Canting. This, they say, was his Expression at that time.

When Mrs. Hilton came in, she tells you the very same Words, even to a very particular Phrase which I had forgot before, that he saw the Men in white Gowns that were Singing, and which he counted Canting. It is very true, there is no such thing mentioned in this Indictment; but only it is offer'd by the King's Council to shew the Temper of the Man, and how he usually used to

Preach.

As concerning the Story of Sampson and Dalilah, that's Sworn by both Witnesses, that there was such a Discourse; for he began to talk of our King's keeping of Women, and he hop'd that they would bring the same Destruction upon him that they had brought upon Sampson; he hoped it would so fall out with our King. How far it is true, (they both having Sworn it) you are the Judges; they have directly Sworn it, and to all the Circumstances both of Time and Place.

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Gentlemen, There is yet another thing that is material too, tho' a small minute Circumstance, and that is about this same Paul Shed, that they have spoken of. When the first Witness came in, he chid her for coming in her Pattins, and bid her pull off her Pattins, for they would leave fuch an Impression there, that People would be apt to discover that there was, or would be a Meeting; and therefore she promis'd when she came any more, that she would be sure to leave off her Pattins. And it is proved, that Mrs. Hilton and Mrs. Smith were in the Room above, and Mrs. Farrar was in the Room below, and it does not appear that she was acquainted with the rest. She had heard him several times, and tho' she did not see him that Day, he being two Pair of Stairs higher, yet she Swears directly to the fame Words, the substantial Part of them that the other two Witnesses spoke of. So that I must say, if in case they have contrived this Story to take away the Life of the Prisoner at the Bar, they have contrived it with all the devilishest Subtilty that ever any could do, or that could enter into the Minds of any People. You are Judges of the Fact; I pray God to direct you, that you may detect the Truth; far be it from the Court, or any body, to defire that any thing but Truth should prevail. For it were far better a thousand times that a hundred guilty Men should escape, than one innocent Man should suffer. But on the other side, far be P 4

it from any Man that is upon his Oath to do his Duty between the King, and the Subject, to be moved by Compassion, or any thing of that Nature, to go against the Evidence that is given in open Court; unless he be satisfy'd that that Evidence is False. For in this case, I say again, either you must find the Prisoner Guilty of what he stands charged with in the Indictment; or else you must find these three Witnesses guilty of wilful Perjury: And I pray God again to direct you what you are to do

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Gentlemen, as to the Testimony that has been offered on the behalf of the Prisoner; (I would follow the same Method that has been taken, both in the Evidence given by the King and the Prisoner, as near as we can.) First, you have had brought by him half a Dozen, (for I would not injure him as near as I could one tittle) that have given you an Account of what he faid at that time. There was Hudson, Hall, Atkinson, Smith, Hales and Wharton; I took their Names, as near as I could; and all these People do directly say they were present at that time, and they heard nothing spoken of the late blessed Martyr King Charles the First, or of Reflection upon the Government; but all that was faid of the King's Majesty that now is, was in his Prayer, wherein he did pray for him; that they heard nothing come from Mr. Rosewell concerning the King's Evil in the manner that the Witnesses speak of; but what was spoken, was spoken of another

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ther King, in relation to Abimelech King of Egypt, and not relating any way to the Disease they call commonly amongst us the King's Evil. It is true, one of them does fay (which is a Word that has obtain'd very much amongst some fort of People) that when he pray'd for the King, he pray'd for his deliverance from evil Counsellors: And under these Words, evil Counsellors, and deliverance from them, we know what became of that fo often mention'd Prince now, King Charles the First. Under that Pretence they would remove all his Friends from him; and when he was left alone they could easily do what they pleas'd with him. Many with pretence of great Pity and Zeal for the King, cry out that all that they complain of, is not of what the King does; him they think to be a wonderful good Man; it is not he, but his evil Counsellors that they reflect upon; and so we must fight against these evil Counsellors; and when we have laid them alide, and he stands alone, then it will be easy to serve him as they did his Father. Whatbever the Pretentions of fuch Words are, we know what the Designs of the People that made the same Pretence heretofore came to; and I pray God that there are not the same Designs on foot still; nay, that that was not the Design of this Prayer of the Prisoner at the Bar.

Gentlemen, they give you a particular Account how he preached upon the 20th of Genefis; and they speak as to the 2d and the 7th Verses

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Verses of that Chapter, and what Discours he had upon them. But truly it is prett strange (as Mr. Rosewell himself objected eve to you of the Jury very well) can any one of you remember so exactly the Words that wer spoken as these Witnesses have Sworn? and truly he puts a very material Question: Bu then the Question turns t'other way; how com all your Witnesses to give such an exact Ac count; all except the fecond Man, who indee did commit a Blunder or two, your Six Wit nesses, even to the Texts of Scripture, toth very Phrases that were used, particularly t the Word Tremendous? they are all as exact a can be. It is strange that five People should a gree in all these Circumstances; but why shoul it not be as much believable that three shoul have as exact a Memory as the other five? Nay and I will tell you what is pretty strange to that these People must hear, and remembe just what was said upon the 14th of September but that which was faid upon the Text th time before or after, that they cannot so we remember. It is plain they have been Dialogue ing with one another; and it is plain, that for People can neither write, nor read, nor re member, but how they shall be fure to ferv the present purpose. That seems to carry a Objection in it on the other fide, as the King Council fay; and it feems the more reasonable on Our fide why they should remember ! exactly, as they have Sworn; because, (fa they) that Day when we came home, w call

all'd for Pen, Ink and Paper and fet down hese Words, the Substance of which we have ow here Sworn: So that that does shew you re had reason to remember what we have effify'd against this Person. But what is yet and reater than all this, it cannot be imagin'd, Bu m ay the King's Council) that the Prisoner's Vitnesses are so much to be believed, since hey give no Account of what was spoken at

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Then, Gentlemen, there is another Reason, the Mrs. Smith, I came on purpose to see to a tho was at the Conventicle; tho' I had been t several Conventicles before, yet I never eard fuch Words spoken. Says Mrs. Hilton, was glad to be gone; and tells you of her nwillingness to stay there, having never heard ich Words spoken against the Government refore; and therefore she set them down im-mediately as soon as they came home; and they went together to the Bull and Mouth, the Qua-hrs Meeting near Aldersgate afterwards; and Meeting near Aldersgate afterwards; and hat that Day, or the Day following, they went Mr. Recorder, and gave him an Account of that had past in their Knowledge. This is he Answer that is given by them to what the risoner's Witnesses say; But you are to weigh is Testimony of both Sides. For I must tell ou, Gentlemen, tho' these Witnesses that re for the Prisoner are not upon their Oaths, et they are as much under the Obligation of wing true Testimony, as they can be by Law; nd you ought to have regard to their Testi-

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mony; how far it is confiftent with Real and with Truth. Some things they differ in; fome things they heard in another manne whether you believe fuch things may flip of of their Memories, or how that is, you a to consider of it. This, Gentlemen, is the fi part of the Evidence that the Prisoner ha

given for himself.

Next, Gentlemen, There is another part the Evidence, and that is from the Fifteen Witness, one Mr. Jollif, Captain Cotton, M Fipps, Mr. Veering, Mr. Hitchcock, Mr. H man, Mr. Wanley, Mr. Strong, Mr. Cuttloe, N Melsum, Mr. Medham, Mr. Winnacott, An Broadburst, Anne Manning, Isabella Dickeson; these were call'd to his Reputation, as tol Behaviour and Conversation towards the G vernment. They tell you that they have know him a long time. It feems they frequent the hearing of him fometimes, when the was an Indulgence and a Dispensation for su Meetings; then they went to hear him; at then he used to pray for the King; and ith been observed, that, it may be, meeting wi favour and kindness from the King and G vernment he might be very well pleafed wi the King at that time; tho' that turn'd the Prejudice of the Government, (as we know.) But whether his Complexion alter'dt wards the Government, when it was though fit to restrain that Indulgence; that you have to consider. They say they know nothing Harm by him, and that may be true; mol

ffer you do you'll rell us. You and I pray God nne had never heard of any thing of Harm po ome from him with relation to the King and overnment; but you have heard what has

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Then there came two Witnesses that lived the Sir Edward Hungerford's, when the Prisoner the Bar lived there; one of them lived Ten lears there, the other Four. And they give ou an Account how he was used to Pray not according to the Common-Prayer, but) eused to go to Church, and he did Pray for he King very earnestly and heartily, as they ay; he came there in the Year 1664, and e continued there Seven Years, and they always look'd upon him to be well-inclin'd to the Government.

Then you have an Account of three Servants that lived in the House; one lived four Years with him, and that the frequently heard im Pray for the King, (for I would not willingly forget a Word that should make for the Prisoner's Advantage) she said he prayed as earnestly for the King as for his own Soul, with as much zeal and earnestness as he could do; this is what she says. And the second lived with him three Years, and she does remark particularly, that one time being in private in his own Closet, at Prayer by himself he heard him very earnest in Praying for the King: So that he would urge it is improbable, and unreasonable to believe, that if he, in his private

private Family, and by himself should so ea neftly pray for the King, (which was new intended to be heard by any body, and can to be thus heard by Accident) he should publick, before a great Congregation, utt fuch Words against the King and Governmen as are pretended against him. This is then he makes of that.

Then Gentlemen, you have likewise after wards the Testimony of those two Witness that had been examin'd before, that is Mr. A kinfon and Mr. Smith; that whereas you fee to fay, fays he, I made a great Reflection upo the late King and his present Majesty; it w fo far from that, that I used to Teach upo 30th of January, and then to preach Obediene to the King, and to pray for the King, an make sharp Invectives and Reflections upo those that had been concern'd in that horri barbarous Murder of the late King of bleffe Memory; fo that I cannot be thought to e courage fuch Things as these, when I used Preach to my Auditory fuch Doctrine as now tell you of. This is the Substance that part of the Evidence, as near as I ca remember, and recollect; you have taken Note Gentlemen your felves; you will be able for - to make Observations, according to what Not you have taken.

Then Gentlemen, here are eighteen Wil nesses that he has called to endeavour to per fwade you to a disbelief, and gain a discredi as to the Witnesses that are produced again

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im. Now as to that, what was offer'd by the first Witness How; that was but by Hearay, he knows nothing of his own Knowledge; for my Brother, Sir Thomas Jenner, he gives you an Account of all the Questions that he was asked about; that she never did say that she was present at the Conventicle, but that Mrs. Bathoe had confess'd it to her; and upon that Confession she was Convicted. Now, Gentlemen, it is a very untoward thing in this Matter, that Mrs. Bathoe it is plain use to have Conventicles, and she is the Widow of a Nonconformist Preacher, and this Woman was fo far from faying, that she was there; that she only infifted upon it, that Mrs. Bathoe had confes'd it to her. So likewise you have been told concerning that Business of Mr. Hales, the Conventicle at his House on the 13th of July; it was so far from her Swearing that Mr. How was there, that tho' he was mention'd, yet she refused before Sir George Treby to Swear that there was any fuch Conventicle, or that he was the Man; she did not know the Man, and could not fay any thing to him. And my Brother Jenner being convinc'd that there might be a Mistake, that there might be no such Conventicle at Mrs. Bathoe's, went as far as he could to retrieve it; but it feems it was past from him into the Clerk of the Peace's hands; I cannot say any thing to it: But if you are fatisfy'd that there was no fuch Conventicle at all, all that can be faid is, that the Old Woman bely'd her felf:

felf; and my Brother Jenner as to an Accommodation between them did resolve to do what he could, and promis'd to speak to the Clerk of the Peace: Not but that for any thing yet appears, this Woman that is here brought as a Witness against Mr. Rosewell, did swear true, That that other Woman did confess to her, that there was such a Conventicle; they indeed have endeavour'd to evince there was no such Conventicle. I must leave it to you; for nothing appears clear of the one Side, of the other.

Then Gentlemen, as concerning her talk ing with, and about one Games; wherein you had an Account given you by one Harvey, and he advised to give Money rather than to be troubled; but they would not give Money Now, for that the whole Answer (that it may be giving together) is that you know the Pro fecutor in these Cases, has a Share out of the Penalties that are incurr'd by Conventicles and tho' it may be that it was not fo well done upon fuch Informations to compound Pe nalties, yet it is no Evil Thing: For if I will choose to inform or not inform, there is a right in me to a Part of the Penalty arising from the Offence: And tho' it be not a commendable Thing, yet it is not a criminal Thing for me to Compound it; for I do not observe that they are proved to be People that do use to go to Conventicles.

Then Gentlemen, There is fomething to be observed concerning the Evidence of Cart-

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wright; He comes and tells you, that he was by, and one of the Persons that went along with Mrs. Smith to feveral Places, in order to make Convictions of Persons for Conventicles; and the would have him Swear fuch and fuch Conventicles that she would dictate to him; and the promis'd and offer'd to Swear for the Conviction of Conventicles when she was not there: And this was a great while ago; but no body heard a Word of it till now, and that was when Mrs. Smith was engaged in this Profecution against Mr. Rosewell. Now when we meet with this fort of People, we ought to consider of the Nature of their Evidence. It is certainly a very improbable thing, that any Person should come and tell him, I will be Guilty of Perjury, I will be forfworn for you, if you will be forfworn for me. It can hardly be believed that any body should say so to a Fellow that you fee is likely enough to detect any fuch thing, if it should be for his Advantage: And it had been his Duty (if he had been an honest Man) to have discovered this to a Magistrate immediately, and detected it, so as that the Villany should have been punish'd; not to come and ferve aturn upon fuch a Tryal just as this is. And therefore Gentlemen, I do not like such accidental Witnesses that feem to drop (as it were) out of the Clouds, and we can have no Account of them before. You have no Satisfactory Reason how he comes in now to make this Discovery. Here you have several other Witnesses that

were before, that give some Account of her

Behaviour in these Matters.

As to the Conviction that they talk of upon the 13th of July; feveral Witnesses give you an Account of the Matter. First of all, it is very apparent by that Book that is produced. That there was a Conventicle the 13th of July, and it was at Mr. Hudson's; but indeed it was not at Mr. Hales; and it is not alledg'd here by her that it was so. And for that other, my Brother Jenner gives you an Account that upon the Consession of Mrs. Bathoe there was a Conviction; but there was no such Conviction of Hales in the Case, but only of Bathoe as appears by the Record which hath been

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Then Gentlemen, the next Question is concerning the Clerk of the Peace, and the Writing that they talk of; which makes nothing one way, nor t'other. Then there are two Witnesses, Drew, and the other Man, that meet with this Woman, Mrs. Smith, in Grub-street in order to make a Composition for Penalties for going to Conventicles; and they find ou a Fellow that used to go to Conventicles, and they frighten him into a Composition, and so much as they fay, was paid perhaps, and he ought to have paid more: But it's plain, he used to go to Conventicles; and it's pretty odd that he should be pick'd up on a sudden there on this Side the Water, to discover these Practi ces at the instigation of the Prisoner at the Bar who lives at fuch a Distance on tother Side Then of the Water.

Then Gentlemen, as for Mrs. Higgenson, I can only say this, she says nothing to the Purpose, that is either material for or against the Prisoner; for she said, she knew nothing of her own knowledge; and all that she did say, was but Hear-says and Reports, not by way of down-right Accusation against the Person she was produced against. And, Gentlemen, you are to consider that Hear-say and Report is no Evidence at all; but it must be what the Witnesses know, and say of their own knowledge.

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The next is a worthy Gentleman, Sir John Talbot; and as to whatfoever he faid, or any of his Family told him, except he knows it of his own Knowledge, that's no manner of Evidence at all to take off the Credit of Mrs. Hilton. But what she her self did say, (if it can be testify'd) is Evidence against her. If the confest that she had any Design, or was ingaged in any Practice to betray the young Lady Sir John Talbot talks of; that indeed is a very evil thing. But whatfoever were the apprehensions of others concerning her share in that Matter; or any of the little Things that they talk'd of concerning Mrs. Hilton before the intermarried, it can fignify but very little in this Matter. And when we ask Sir John Talbot the Question, he cannot give any Satisfactory account of it; for he fays plainly, he had no Conversation with her. It seems it was not a Contrivance while she lived there for ten Years together; and it is pretty hard to imagine in fuch a Caie, if the had been fuch an evil

evil Person as they would represent her, in that time that it had not appeared, so far at least as that she had been discharg'd the Service long before: For Sir John Talbot is a Person that cannot be thought to permit any thing of ill in his Family. But yet withal, he can't know all that passed, any more than any of you of Irregularity in the Family. If indeed they had question'd any of the Servants that were more conversant with her, and taxed her of any thing that was Evil, then it had been a much more probable Exception; but to have Peoples Reputations blafted barely by Tittle-tattle and Stories, after Persons are gone out of a Family, where they have lived for many Years, is a matter of very dangerous Consequence; and any Man in the World may be injur'd in his Credit, if fucha thing be permitted. What Sir John Talbot speaks of his own Knowledge, that is Evidence, and we would hear it, and give all due regard to it: But what was spoken of concerning the third Person, Hilton, before she was married; what the rest of the Servants said concerning her; or the general Reputation that she had in the Family; that's no Evidence at all.

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Gentlemen, in the last place there is a Witness produced, one Dillingham; and she pretends that she is a Woman of a very ill Reputation; and that she would have hired her, (as she would have it believed) to have Sworn against several People. Now as to that, she would have done exceeding well to have made a Discovery of this before this Question; and

it had been her Duty so to do; and not now to come, and drop in, just when this Question comes to be debated before you: That, Gentlemen, draws a Suspicion along with it, and a very great one: But I must leave the whole Matter to you, which I do not question but you will examine, and look into, as well as you can. Thus I have offered the Evidence that has been given on the one Side, and on the other in Point of Fact.

Now Gentlemen, there are some Remarks made by the Prisoner at the Bar, (as God forbid but he should have the Advantage of whatfoever can be observed upon the Evidence given against him) that is, he makes a difference between the Testimony of the one and the other of these Witnesses, about the 20th or 21st of Genesis; that the one said the 21st, the other the 20th. Now it is to be observed, as has been faid, that she that faid the 20th, which was the fecond Witness, said, it was either the 20th, or the 21st; and Mrs. Smith said it was fo to the best of her remembrance; but it appears to be, and fo I perceive, by all the Witnesses, upon the 20th; so that as to her it cannot be very material, because she does not Swear positively, either the one or the other.

Then Gentlemen, there is another thing, that is, that she should talk of one Weldy, Captain Weldy, or Captain Daniel Weldy, when it seems his Name was not Weldy, but his Name was Captain Daniel; which I think can go no great way in the case. She is not ac-

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quainted with the Man himself; she tells you one part of his Name right; describes the House in all the Parts of it; and speaks of the Circumstance of his being at Sea, and being pray'd for by Mr. Rosewell; therein they do both agree: So that the she apprehended that his Name might be Daniel Weldy, yet it is so far right enough that it was one Captain Daniel; and that is a very small minute, difference, that will make little one way or other.

Then, Gentlemen, he insists upon the diffe. rence between their Evidence about that Circumstance, whether it was all upon one entire Subject; or part, one part of the day, and part the other. One of them fays it was not an entire Discouse; For that about the Rams-horns, and the broken Platters, and the Stone in a Sling was after Two o'-Clock, after the interval that had been, and the space of time between the Discourse of the King's Evil, and those other things; and therefore, fays Mr. Rofewell, whereas she pretends that it was all spoken at the fame time, just as it is laid in the Indictment, that cannot be; and fo it appears upon his own Evidence. Now, fays that Woman, I can't so well tell whether it was Forenoon or Afternoon; and truly they might call it Forenoon, because they had neither Eat nor Drank; and, fays the Woman, we reckon that it's Forenoon till after we have Dined; and she cannot tell whether it was in the Pfalms, or whether it was upon the Chapter; but it was in that Discourse that he held that Day.

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She does generally apply it to the whole; and that in that Day's Discourse (all which time she stay'd, till all was over) such Words did pass. You have heard the dissernce that is between the two Witnesses, and you will do well to consider of it, if you think there is any

thing material in it.

Gentlemen, I must confess it carries a notable fort of Testimony in it, of which you are Judges, and will weigh it according as it ought to be weigh'd: First, That these People should luckily hit together concerning the King's Evil, and that there was fuch a Difcourse as is laid in the Indictment about it; and of the Prophets praying for the People for the Cure of the King's Evil, and then they should be immediately heal'd. And on the other fide, it is pretty strange, (as he urges for himself) that that should be perverted which he spoke concerning the Prophet's praying for the King, and thereupon his Hand being healed, whereby the Prophets have the Honour, (as he fays) some time, by Prayer, of curing the King's Evil: So that something or other there is in the Matter that gives a mighty countenance to what the Witnesses speak. There is a certain fort of Occasion given (as one would fay) for fuch Expressions as they have testify'd, in his Discourses.

Then when they come to talk concerning the Rams-horns, and the Platters; the Witnesses say, we heard nothing concerning Platters, much less of Pewter-Platters; no it was Q 4 broken

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broken Pitchers; and that was occasion'd by, and had relation to a Text, (fays Mr. Rosewell) about Gideon, how easily he discomsited the Philistines Army; and there was no fuch thing as any Discourse concerning the King or the Government, or any relation thereunto; it was only a Phrase used by me in the Pulpit, to shew how great a Matter might be done by little means. And so likewise concerning the Stone in the Sling, that being an occasional Instance too, what great Miracles have been brought about by little Means and Circumstances: I instanc'd in that (fays he) how David kill'd Goliah with a Stone out of a Sling; and that our Saviour Jesus Christ cured the Blind-man by a little Spittle mingled with Clay. So that he would infinuate, that those Words that were spoken, were not with any fuch Intention as the King's Council would make it, and as the Indictment infinuates; but only in a common, ordinary Preachment, as Inferences from fuch and fuch Scriptures. And whether this that he talks of was the Discourse he held at that time; or what the Witnesses fpeak, must be left to you; they having Sworn And this (as I take it) is the Substance of the Evidence given by the one and the other Side.

Then, Gentlemen, Mr. Rosewell put the Question in the Morning, and he seem'd to insist very much upon it in Point of Law, that the Discourses of a Mad-man cannot be Treason. It is true that such Discourses cannot be Treason,

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fon, if you take [Mad-men] in the true sense that the Law commonly takes it. All Traytors, all Knaves and Villains, are some way, and in some sense Madmen; for no Person can act with any Reason in any such Affairs. Treafon is not to be committed upon the foundation of Reason. Therefore upon his asking of the Question of the Witnesses, what Reason there was for him to use such Expressions; I told him, You did it, according as the Indictment fays (which is drawn according to the Prescripts of the Law) by the Instigation of the Devil; you did it, not only without Reaion, but against Reason. But if the bare faying that it was against Reason, and that therefore a man was a Mad-man, would ferve the turn, there would be no Traytor according to that Rule; because every Traytor would bea Mad-man. Every Traytor is a Mad-man; but every Mad-man is not a Traytor. A Madman, in our common Acceptation, is one that is captivated in his Senses, not one that is corrupt in his Will and Affections, which must be the definition of a Traytor: So that the Argument, I must tell you, is fallacious. Every Man, that is depraved in his Mind and Affections, is a Mad-man, so as to be an Enemy to the Government, or to Mankind; but he is not such a Mad-man, as is commonly meant by that Word; one whose Words may be mistaken, because of some disorder in his understanding; so as to be excus'd from the Acculation of Treason. Therefore whatsoever con-

sequence there may be of the Thing, I must tell you, all Men that talk after this rate tha this Person is accused to talk in his Pulpit they are every one Traytors, and fo Madmen for every Traytor is a Mad-man: And if it case Mr. Rosewell be Guilty, he is in that sens a Mad man. It is true, in other Things you find him a Man of very notable Understand ing; a Man of a very great Infinuation; on that has a great deal of Knowledge in the Tongues; look'd upon to be a very Learned and Ingenious Man; who was thought fit to be Tutor to Sir Edward Hungerford's Children and has had very many learned Discourses, and shewn himself to be a Man of very grea Parts. Tho' if he be a Traytor upon this Evidence that is given, he is eo nomine a Tray tor, and confequently a Mad-man for Preaching and Publishing such Doctrine as this; that wil not serve to excuse him from his Treason: Bu the rather, because he is a Man of so much Learning, it aggravates the Treason; as it mul needs do to any Body in the World that con fiders it. For he under that pretence offering to preach his Doctrine, as Gospel-truths to ig norant People, (it seems 300 or more, of a Trades and Perswasions) whose Duty it was according to Law, to have been then a Church; Men of Strength and Ability of Bo dy, as they appear to be, for the Service of the Government; for these People to be debauch into fuch Doctrines as these, of Standing to their Principles

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inciples, against the Government; the more arned the Man is, the greater and blacker is e Crime of that Man that is guilty of it. od knows whether that be Mr. Rofewell's Cafe. nd you that are of the Jury are to try it: To it under pretence of Preaching the Gospel, the worst way of doing it that could be ken; to quote Scripture for Rebellion adds the Crime; as it did to that of those Black illains that were concern'd in the Murder four late Dread Sovereign, who has been often mention'd; they were generally the reachers of the late Times that contributed

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Gentlemen, it is notoriously known to you this accurred late hellish Conspiracy against is Sacred and most merciful Majesty, our overeign that now is, (whom I pray God ing to reign over us,) those that had an hand the intention to destroy him, and his Royal Brother, were a great many of them Blackoat-Dissenters to the Church of England; and cannot say I know any one Member of the Church of England that had any hand in it t all. How many of them stand now conicted by Outlawry for that bloody Treason; wont fay all Parsons, but generally all of hem Dissenters; and we know these are hose base, profligate Villains, always made le of in these base Sinks of Rebellion. And they are the common Sewers of Faction; hese Conventicles are, and of Treason and Conspiracy against the Government in Church

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and State. God be praised, we have a Region that teaches us much better; a Religion Established by the Laws of the Land, and with that Decency of Worship, and Care the Souls of Men, that may bring us a to Heaven, by the Grace of God, if we please to hearken to the Dictates of it, and to mind what is enjuyn'd us our Duty he the Law; but when People are once Deluded by the Insinuation of such false Teacher and run into Faction and Discontent, the they'll soon run into Rebellion too. And speak this the rather to deter and give warring to other People, to have a care how the come near such Places, and such Practice

than to affect you.

Gentlemen, here you have had 3 Witness examined against the Prisoner, who stand accused for a Crime of High Treason. I mu confess, I have taken up a great deal of the Time; and a great deal of the Time was take up before; but there's no Time too long wherein a Question of so mighty Momen as this is, is to be decided: The Governmen the Preservation of our King, the Preserva tion of our Religion, the Preservation of ou Laws, are all Concern'd: For by the Destruct tion of our King and of our Governmen our Religion, and all that is near and dea to us in the World, will run a great hazard, not come to a total Destruction; and I at fure it did come near to it in a former Time by this very fort of way. Therefore I enjoy VOU

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ou, in the Presence of the Almighty God, neither Displeasure, nor any fort of pernal Animolity, in any thing that has been intracted by Hear-fay from abroad, nor y Imaginations that have been fuggested ere without proof, any way direct you in the onsideration of this Cause against the Prisoerat the Bar: But go according to the Evience that has been here before you, on the ne side and on th' other side. For as on the ne fide you are not to be corrupted by ommon Talk, or any Prejudice against a arty or a Faction; so are you not to be mised by any Affirmation, or Reflection, or Comment that the Prisoner has made or said for imself, other than what is supported by the Testimony of these Witnesses that he has produced, and whose Evidence is left to you o consider: For you must not be lead by any Circumstances, or by Discourses; but what's fworn on the one fide for the King, or testified on the other for the Prisoner. And therefore I can with all Freedom and Zeal for the Government, and all due Compassion to the Prisoner at the Bar (whom with all my Soul I am forry to fee accused, or indeed any Man, of fuch a Crime,) leave this matter entirely upon the Evidence that has been given. And tho', I say, I am sorry to see him accus'd; yet fuch Transgressions are aggravated now, when we live in an Age, wherein we have all peace and Plenty, while the rest of our Neighbours are Wallowing in their Blood round

brought to the Necessity of eating the most filthy and basest Animals, that never we design d for the Food of Man: I say, whall our Neighbours are groaning under the Miseries of War, (blessed be God) we live at steep quietly under our own Vines; we enjoy the Benefit of being Subjects to a gracio King; we enjoy the full extent of our Law which are sufficient to secure our Liberties at Properties; and no Man can be brought (not one of the meanest Subjects the Kingha to such an untimely End, but by the true M

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thods of Justice.

He is to be try'd by you, Gentlemen, w are Gentlemen of Quality of the County whe the Fact is alledged to be committed; again whom he might have made his Challenges an Exceptions, if he had any reason, as he d against the others, (according to the Libert the Law allows him) without any reaso So that you stand indifferent between the King and the Prisoner at the Bar, to try th Caufe, whether he be Guilty, or not Guilt of the Treason of which he stands accused. I case the late intended Rebellions and Insu rections had taken the defigned Effect, accord ing to the Doctrine preached in these Se mons, of standing to Principles and overcomin Enemies; and what feveral of his Brethre who stand now accused of, and are upon Pro fecution (and for ought I know every one them might be actually engaged) I fay,

ase such a thing had been, then there had been nothing but cutting of Throats; there had been no Justice for any Subject to have expected; no Methods or Proceedings of Law; but Destruction would have come upon us like an armed Man.

Therefore, Gentlemen, as the Evidence has been long; so I hope you will give me your Pardon, that I have been the longer in insiffing upon it; and according to my best Understanding and Memory, I have given you the best Account I can both of the Evidence for, and against the Prisoner. You are Judges of the Fact; and I pray God direct you, and guide you and your Consciences, that the Truth may be discovered by your Verdict.

Mr. Rofewell. May a Loyal Subject speak,

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Lord Ch. Just. No, Mr. Rosewell; after the Jury are charged by the Court, you are not to say any thing. Swear an Officer to keep the Jury.

(Which was Done.)

Then the Jury withdrew into the usual Room for such Purposes, to consider of their Verdict; and afterwards, they returned into Court.

Clerk of the Crown. Cryer, take the Appearance of the Jury.

Cryer. Sir George Sheers. Sir George Sheers. Here.

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Cryer. Vous avez Sir George Sheers, &c. (And so of the rest.)

Cl. of the Crown. Gentlemen, Are you agreed in your Verdict?

Jury. Yes.

Cl. of the Crown. Who shall say for you?

Jury. Our Foreman.

Cl. of the Cr. Thomas Rosewell, Hold up thing Hand. (Which he did.) You of the Jury, look upon the Prisoner. How say you? Is he Guilty of the High-Treason, whereof he stands Indiated; or Not Guilty?

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Foreman. Guilty.

Cryer. What Goods or Chattles, Land of Tenements, had he at the time of the High-Treason committed; or at any time since to your Knowledge?

Foreman. None that we know of.

Mr. Rosewell. Then the Lord have Mercy upon the Jury. My Lord, I humbly requel this Favour, that they may be asked separation whether they be all of the same Opinion.

Lord Ch. Just. That's never done, Mr. Rose well, unless there be any difference suggested

from amongst themselves.

Mr. Rosewell. I ask it in regard to them themselves; for I have heard many times the Jury go by the major part; and I would know whether they be all of that Opinion. There fore I beg they may be asked that Question.

Lord Ch. Just. You must be contented, Mr. Rosewell; in case there were any difference, we should hear of it from amongst themselves.

Cl. of the Crown. Then hearken to your Verdict, as the Court has recorded it. You say that Thomas Rosewell is Guilty of the High-Treason whereof he stands Indicted; But that he had no Goods, Chattels, Lands or Tenements at the time of the High-Treason committed, or any time since, to your Knowledge; and so you say all.

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Λt w Cl. of the Crown. Gentlemen, the Court dif-

Lord Ch. Just. Marshal, you must take him into your Custody, being now Convicted.

Mr. Rosewell. My Lord, I would heartily beg, for the Jury's fake themselves, that that Question might be asked of them.

Lord Ch. Just. We must not indulge any Innovations. It is not usual. You may ask them, if you please; see whether they will answer you. We must go according to the Forms of Law.

Mr. Rosewell. Then, my Lord, if all these Gentlemen's Estates were join'd in one, I would not change Conditions with that Man of them who should possess the Whole.

Lord Ch. Just. Mr. Rosewell, We must have no Reflections upon the Jury.

Then the Prisoner was taken away, and the Court broke up.

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Die Lunæ 24 Nov. An. Dom. 1684. B. Regis.

Dominus Rex vers. Rosewell.

THIS Day Mr. Rosewell being brought up to the Court, to receive Sentence, the Court proceeded as follows.

Lord Ch. Just. Brother Jenner, have you any

thing to move?

Mr. Serj. Jenner. My Lord, we wait upon the Prisoner at the Bar to desire Judgment upon the Conviction that was here the other Day for High-Treason.

Lord Ch. Justice. Against the Prisoner at the

Bar do you mean?

Mr. Serj. Jenner. Yes, Sir. Lord Ch. Just. Then call him to his Judgment.

Cl. of the Crown. Thomas Rosewell, Hold up thy Hand. (Which he did.) Thou hast been Indicted for High-Treason, in compassing and imagining the Death of the King, and the Subversion of the Government: Upon that Indictment thou hast been Arraign'd: Upon that Arraignment thou hast Pleaded not Guilty: And for thy Tryal thou hast put thy self upon God and thy Country; which Country has found thee Guilty. What hast thou to say for thy felf, wherefore Judgment should not be given against thee, to die according to the Law?

(Then he was made to Kneel and arise again.)

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Mr. Rosewell. My Lord, I humbly hope that your Lordship will not give Sentence against me upon this Indictment; considering the Circumstances of it. I have, my Lord, protested to this Honourable Court in the Presence of the great God, the Searcher of Hearts, my Innocency in this Case; but I have been found Guilty by the Jury, on whom the Lord have Mercy. I do still protest my Detestation and Abhorrence of the Fact, even in my very Soul; and I do humbly beg your Lordship and the Court to compassionate my present Condition. And with humble Submission to your Lordhip, I would enter into my Discourse upon that Hypothesis; for I would still be taken thus, even in this Conviction to deny the Thesis; that I ever was guilty of speaking such Words as are laid in the Indictment. But upon the Hypothesis, supposing that I were Guilty, I do humbly conceive that these Words, as they are laid, are not Treason. They are very foolish and ugly Words; and may be a very great Mifdemeanour in Law (if true, which still I must over and over again infift upon) but they are not Treason. And I beg your Lordship will do me the Favour to let the Indictment be read once more.

Lord Ch. Just. Ay, with all my heart. Mr. Rosewell. I humbly thank your Lordhip; I desire it may be read in Latin. Lord Ch. Just. Read it to him in Latin.

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Surry ff. Juratores pro Domino Rege super Satramentum suum prasentant &c.

(The whole Indictment was read.)

Mr. Rosewell. I humbly thank your Lord ship. There are some things that I shall offer to your Lordship in Arrest of Judgment ou of this Indictment; and I request your Lord thip to hear me with Patience, being here for my Life. I pray Judgment may be arrefted for these Causes: That there is not any Crim fufficiently fet forth for your Lordship to give Judgment upon. My Lord, I humbly takei for granted that in all Indictments of Treason there must be some particular Matter of Trea fon affign'd; and that it is not a sufficient In dictment in general, that a Man did intended depose the King, or to raise Rebellion, withou fome Overt-Act positively afferted to be done by that Person; the general Intention being only an inducement to the Charge. The fpe cial Matters that fet forth the particular Act of Treason are those that make the real Charge upon which the Court and the Jury are to proceed. Now, my Lord, if that special Mat ter that is alledged be infufficient, with all humble Submission, tho' there be never so ma ny fuch forts of Facts proved, and found by the Jury, the Party cannot be convicted o High-Treason: For in this case the Party ha the same Advantage to except against the par ticulars alledg'd, to prove the general suggested Treason

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Treason, as against the general Treason it self. Now, with humble Submission, my Lord, again I fay, that the Matter here fuggested is insufficient; as will evidently appear by what I am

going to offer to your Lordship.

The first and principal Objection that I have, is against the Innuendo's, which are so many and so strange in these Words that are alledged against me. These Innuendo's, my Lord, Ifay, are naught and void; and I prefume that it will be allowed to me upon reading of the Words by themselves, as bad and as foolish as Without these Innuendo's, there they are. could nothing be made out of fuch Words as these are, neither Treason nor any thing else.

Then, my Lord, in the fecond Place laying aside the Innuendo's, I must insist upon the repugnancy and infensibility of the Words laid in the Indicament, being in Latin, and such Latin as I believe your Lordship never faw; and upon these two Points, I desire that Judgment may be arrested; and I humbly pray Council may be affign'd me to make them out

in better form.

Lord Ch. Just. What say you to it, Brother Jenner, and the King's Council?

Mr. Serj. Jenner. I cannot see that he has alledg'd any Objection which here requires an Answer from any of us that are of Council for the King.

Lord Ch. Just. Yes, Brother; Methinks he

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Mr. Att. Gen. If he does pretend to object against any of the Overt-Acts alledg'd in the Indictment; your Lordship observes, this Indictment is upon the Statute of the 13th of this King, wherein Words are made Treason, if they intend any Hurt or Imprisonment to the King's Person. For his Objection as to the Innuendo's, he does not affign wherein they are repugnant or insufficient. He does assign in particular, indeed, that it is infufficient, being a general Crime; which yet he does not fay is not sufficiently laid; for it is said, that he did compass and imagine the Death and Destruction of the King: And to effect that compassing and imagination, he did speak such and fuch Words, which by the Statute are made Treason, if they tend to attempt by Preaching or Writing any Imprisonment or Harm to the King's Person. Then for him to come to Talk of Standing to their Principles, after he had spoken of two wicked Kings together, (meaning the late King, and the present) and that then we should overcome our Enemies; what is that but Preaching in order to raise a Rebellion and Infurrection, tending to the Destruction of the King, and his Government? All this is laid in the Indictment; the Jury find it spoken maliciously, and with fuch an Intention as we have laid; and therefore we think that is fufficient.

Lord Ch. Just. But if I take the Gentleman right, (for I tell you beforehand Justice must be done to all People impartially. The Crime

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is a very great Crime that he stands accused of; and the Jury have found him guilty of the Crime laid in the Indictment: But if I take him aright) he does not say that Words are not sufficient to create a Treason, but the Words here as they are laid in this Indictment are not sufficient: And as I take it, there is no great difficulty in the Matter; but the Words would have been sufficient to have supported the Accusation, if they be well laid. But the Question is, whether the Words that you have laid here be so positively affirm'd to have been spoken by the Prisoner, and to relate to the Government, as they ought to be in an Indictment of High-Treason.

Mr. Att. Gen. That the Indictment must make out; and the Jury have found him Guil-

ty, according to the Indictment.

Lord Ch. Just. But that is his Objection, they

are not fo in the Indictment.

Mr. Att. Gen. My Lord, they are laid as the Witnesses swore them; as your Lordship

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Lord Ch. Just. That they are not positively affirmed, but only alledg'd under an Innuendo; that is, he spoke such and such Words whereby he compared the King to Jeroboam, and the like; and we had two wicked Kings togegether, but if we would stand to our Principles, we should overcome our Enemies, Innuendo the King. The alledging of the Words spoken in the Indictment is positive, if there be sufficient Matter in the Words to make them applicable

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But if you only fay he spoke them, Innuendate for and so, that is not positive enough to make the Indictment good. I take it the Objection runs that way.

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Mr. Rosewell. My Lord, I humbly thank your Lordship for explaining my meaning; It is so.

Lord Ch. Just. In an Action on the Case, if you say the Defendant spake such and such Words; if you do not lay it that he spoke them of the Plaintiff; Innuende the Plaintiff in repeating the Words won't do. So here, if you had brought it in the Indictment, that having discourse of the late King and this King, he had spoken these Words, We have now had two wicked Kings, &c. You then had brought it home to him: But you do not lay it that it was spoken of them at all, but only in the Innuendo; whereas you ought to fay first, That he spoke of the late King, and this King; and then faid, We have had two wicked Kings together, Innuendo the late King, and this King.

Mr. Att. Gen. My Lord, I do not know, how we could have done it better than we have done.

nion; but the Objection has weight in it upon my Word. As I told you before, in common Cases, an Action of the Case for Words, or the like, you must lay a Communication concerning the Plaintiff, or an Innuendo will not be a sufficient Averment of its being spoken of him.

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in. In an Action of the Case for Words. within this Seven or Eight Years, they were obliged to lay a Colloquium of the Plain-if, and of his Trade; and that to Defame im, were spoken of him at such a Time ir fuch Words, as that he was a Cheating Knave; where the Word Knave would bear if an Action; a bear Innuendo would not do, that was not enough. But now I confess since Declarations are made a little more concise. you need only fay dixit de Querente, such and fuch Words without a Colloquium, but you must aver it to be spoken of the Plaintiff. I never thought it good in such a Case, to by of a Merchant he is a Bankrupt Knave. (Innuendo the Plaintiff) unless he say he spoke of his Trade and Merchandise. So that the Objection does feem to carry very much weight in it.

Mr. Sollicitor, My Lord, if your Lordship would give me leave, I would endeavour to answer the Case as you Lordship has put it; for my Lord, no doubt in all common Actions of the Case for Words, it must be aver'd that the Words were spoken de Persona, of the Plaintiff; but the First part of the Indictment, in this Cafe, shews that the Words must be spoken of the Person of the King, and of the late King; for it fays he did conpire the Death and Destruction of the King, and to depose him from his Government, and to manifest that traiterous, wicked Intention of his; Ea Intentione he did speak these Words

Lord Ch. Just. If you had faid so, that he spoke these Words of the King, you had an fwered my Objection; but the Conspiracy of the Death of the King being only a general form for Treason, will not make good an Indictment of Treason; but you must show some Acts or Words to Evince and prove that that was his Intention; that he did either speak such and fuch Words, or did fuch and fuch Actions It is not a good Indictment to prove that he did conspire, for he spoke such and such Words: but that to carry on his Conspiracy he did fpeak fuch and fuch Words of the Government that must be positively alledged.

Mr. Sollicitor. We do fo, my Lord; for we say, & ad easdem nefandas proditiones &c. perimplendas, He spoke such and such Words, we have had two wicked Kings together, Innuen-

do this King and the late.

Lord Ch. Just. You have Innuendo'd it too much I do doubt; for all the Facts are laid under an Innuendo, without a positive Averment.

Mr. Att. Gen. My Lord; I think it is as

fully laid as it possibly could be.

Lord Ch. Just. Come, Mr. Attorney, if in Cases of common Actions for Words, there be fuch Strictness requir'd, ten Times more ought there to be in an Indictment of Treason, where a Man's Life, and All, is fo much concern'd. I am not satisfy'd I assure you that this Indictment

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is well laid, tho' I give no Opinion; but in all Justice we ought to assign him Council to make out his Objection.

Mr. Att. Gen. All this, my Lord, is only in

delay.

Lord Ch. Just. Mr. Attorney, De vità Hominis nullà est Cunctatio longa. I think we ought to assign him Council; and the rest of my Brothers are of that Opinion too.

Mr. Att. Gen. Let them read Colonel Sidney's Tryal, and the Indictment there; and

they'll find it the same thing.

Lord Ch. Just. I cannot tell whether there are any such Innuendo's there, I believe not; but I know not, if there were, if in case it had been moved in arrest of Judgment, what the Court would have done then. But I think we ought to assign him Council to

make out his Objection.

Mr. Sollicitor. The very Fact, that makes this Treason is his stirring up Sedition and Rebellion within the Kingdom; and we say, to effect it he had these Expressions in his Pulpit, we have now had two wicked Kings together (meaning this King and the late) who have suffered Popery to come under their noses; but if you will stand to your Principles (meaning the People) we shall overcome our Enemies (meaning the King and Government.)

Lord Ch. Just. Ay, but you do not say that he spoke these Words of the King: This you should have said at first; because the speaking of these Words is the very Overt-act; and if he

did

did not speak them of the King (which you ought to affirm) but only by way of Innuenda that cannot, we think, be so good nor sufficient

Mr. Just. Withins. I take it that these are the main Words that are to maintain this Indica ment of Treason; and the Question is whether they ought not to have been aver'd that the were spoken of the two Kings.

Lord Ch. Just. We do not give any Opinion. Mr. Attorney; but because there seems to be fome reasonable Doubt, and Weight in the Ob jection, we defire to have it argu'd; and there

fore will affign him Council.

Mr. Rosewell, I humbly thank your Lord

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Lord Ch. Just. We do think it fit to look in to it, before we proceed any further in a cale where a Man's Life is concerned.

Mr. Rosewell. I pray God bless your Lord-

thip.

Lord Ch. Just. Nay, you have no need to thank me; for I desire to do Justice to all Men

Mr. Rosewell. But I desire to return my hearty thanks to your Lordship, for explaining and making out, what my Unskilfulness in the Law would not permit me to do. God be your Rewarder for it.

Lord Ch. Just. Well; Who would you have

to be your Council?

Mr. Rosewell. If your Lordship pleases, Mr. Wallop, Mr. Pollexfen, and Mr. Thomas Bamp. feild.

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Lord Ch. Just. Let them be affign'd of Council for him. But, Mr. Rosewell, I think it is not improper for me upon this Occasion to take notice of this that is in my Mind relating to your Affair; because I observe it is a Matter of great Expectation, and fo was at your Tryal, and here is a great Croud of People now; that as this Fact is found, if the Indictment falls out to be a good Indictment (which is the Question that now depends before the Court) fo that you come to have Judgment of High-Treason pass'd upon you, and to Suffer according to that Judgment; what will become of these 400 People that were your Auditors at the Time that these Words (that are thus found and adjudged to be Treason) were spoken? And I speak it for the sake of all Conventiclers, and Frequenters of fuch Meetings as these are. If you that are the Preachers and Teachers, the Mouths of fuch Congregations, do utter Treason, and so they conceal that Treason, what a Condition are they in? what are they Guilty of? Therefore if People will consider, they will do well to think, that when they go to fuch Places, they go at a great Peril; being to answer for Themselves, their Lives, and Estates upon the Prudence of the Expressions (to say no more) that come from the Teachers. I only put you in Mind of this, because I would have all Standers by, and the Auditory (which I fee is very great) in Mind what Danger and Risque they run in thus offending the Law. Mr. Mr. Rosewell. My Lord, I do believe, that no one in the World (besides these Witnesses that here were produced against me) can ever testify the least disrespectful Word spoken by me of the late King, or of his present Majesty

Lord Ch. Just. Well; when will you be rea-

dy, Gentlemen?

Mr. Pollexfen. My Lord, we desire to have as much time to prepare our selves as we can.

Lord Ch. Just. Two or three Days time will ferve.

Mr. Att. Gen. It is fit we should know what Points they intend to insist upon, that we may

prepare to Answer them.

Lord Ch. Just. Yes, yes, that must be; but I perceive his main Objection is, what I tell; Let him be brought by Rule hither upon Thursday, because the Court may have time to consider of what shall be said on both Sides.

Mr. Rosewell. My Lord, these Gentlemen are Strangers to me; but I dare rely upon them, from the Character I have heard of them, that they will do me all the Justice that

they can.

Lord Ch. Just. Well, they are affigned of Council for you. But I could not forbear giving that hint that I did, that this might be a Warning to People, how they transgress the Law in going to such Meetings.

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Lord Ch. Just. N. Pollexfen, Have you any thing to Move?

Mr. Pollexfen. My Lord, I have one Word Mr. Pollesjen. 1919 Lord, Mr. Pollesjen. 1919 Lord, Move for my felf, and the others, that are We think it our Duty to apply our selves to your Lordship for this Favour; that to enable is the better to do our Duty for the Person or whom we are assign'd, your Lordship and the Court would please to order that we may have a Copy of the Indictment. We do acknowledge, that it is not an usual thing to have Copies granted (tho' there be no express Law that we know against it) in capital Matters; but where any Doubt does arise upon the Penning the Indictment, and Council is afign'd; to enable them to do what is fitting for them to do for their Client, Copies of the Indictment have been granted; as particularly in the Case of Fitzharris, in order to the Plea that he was to put in; and I my felf was one of the Council at that time.

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Lord Ch. Just. Mr. Pollexfen, I make no doubt in the World, it is in the Power of the Court to order a Copy of the Indictment, if they fee Cause; but if you remember, (for you were of Council in that Cause too) it is not to be granted, because it is asked. For my Lord

Russel had no Copy of the Indictment, tho he insisted very much upon it: And it was in the Case of Fitzharris granted, that he might particularly apply his Plea (if he had a Mind

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Mr. Pollessfen. My Lord, I do not defire a Copy of all the whole Indictment; but of much thereof, as may be enough for us to know the Foundation upon which we are to go. I do remember we were call'd in, in my Lord Ruffel's Case, upon the Point of Challenge, for want of Free-holders; but that was not in the Point of the Indictment; and there I cannot see what we had to do with the Indictment; but here we must understand how it is laid really in the Indictment, that we may apply our Arguments to the Case and that I believe was never denied.

Lord Ch. Just. Look ye, if you speak to me privately, as to my own particular Opinion it is hard for me to fay that there is any ex press Resolution of the Law in the Matter But the Practice hath been always to deny Copy of the Indictment. And therefore, i you ask me as a Judge, to have a Copy of the Indictment delivered to you in a Cafe of High Treason, I must answer you, shew me any Precedents where it was done: For there are abundance of Cases in the Law which seem hard in themselves; but the Law is so, because the Practice has been so; and we can't alter the Practice of the Law without an Act of Parliament. I think it's a hard case, that a Man

Man should have Council to defend himself for a Twopenny-trespass, and his Witnesses examined upon Oath; but if he Steal, commit Murder, or Felony, nay, High-Treason, where Life, Estate, Honour, and all are concern'd; he shall neither have Council, nor his Witnesses examin'd upon Oath: But yet you know as well as I, that the Practice of the Law is so; and the Practice is the Law.

Mr. Pollexfen. My Lord, we heard the other Day the Indictment read, and so may have some little Account of the Indictment; but we desire such a Copy as may enable us to argue as we ought to do; and as the Court will expect from us, being assigned by the

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Mr. Wallop. My Lord, if we should offer any thing that is not in the Indictment, it's all one as if we held our Tongues; and if we have only a loose Account of the Indictment, that may be as bad as if we had a false one: And therefore we desire, to the end that we may argue ad idem, that your Lordship will please to favour us that we may have a Copy of so much of the Indictment, as upon which our Objections may be grounded.

Lord Ch. Just. Mr. Pollexfen, you may remember a particular Case; I have forgot the Name; but I believe you may remember it; where a Prisoner at this Bar desired to have the Indictment delivered to him to read; but it was denied him. It is hard, I confess, and so are many other Things in the Law; but I

am wonderfully tender of making Precedents: And therefore if it has not been practiced, I

do not fee how we can do it.

Mr. Just. Withins. That is the usual Practice, my Lord; but it is in the Power of the Court sure to grant a Copy; or at least of so much as is Necessary for them to apply themselves to. There have been many Cases of Murders where they have had Copies of the Indictment, in order to move in Arrest of Judgment; as this Case is.

Mr. Just. Walcot. But have there been any

in High-Treason?

Mr. Just. Withins. I do not take it that there is any difference between the one Case and the other; they being both capital Crimes; and Council being assign'd, they must know what they are to speak to.

Lord Ch. Just. I would know when ever a Copy was granted to enable the Party to move

in Arrest of Judgment.

Mr. Just. Withins. My Lord, when there is a Motion in Arrest of Judgment, and Council is assign'd, that is a Thing they ought to know, how to demean themselves in their Arguments.

Mr. Pollexfen. My Lord, we submit it to you. We desire the Favour that we may acquit our selves as we ought to do; and as the

Court (we know) expects from us.

Lord Ch. Just. As far forth as I could do, being in the Case of Life, I would indulge you: But I tell you, I am loath to be the Author

Author of Precedents in Cases of this Nature, one way or other; especially in this Case, where I know you cannot but understand by what was spoken here t'other Day, what the Objection is, and where the Stress of it lies: Every Man at the Bar must needs understand it.

Mr. Pollessfen. My Lord, we know People have various Understandings; and the case is many times variously stated, not only in our Minds, but in our Books.

Lord Ch. Just. Well, we know you understand your selves well enough: And what we

could grant, we would.

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Mr. Just. Withins. It may be Mr. Pollexfendoes it only to make way for an excuse, when he comes to argue, that he is not so well prepared as he should have been; but

we know him well enough.

Mr. Pollexfen. But, my Lord, if we miss the Words of the Indictment, we hope your Lordship will not think us impertinent in having made this Motion, which is for our Selves, not for our Client: And therefore we hope you will Pardon us, if in case we mistake; which we could have had no colour to have desired, if what we had to say were guided by a true Copy of the Record.

No Copy was granted, nor Rule made.

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Die Jovis, 27 Novembris 1684. B. Regis.

Dominus Rex vers. Rosewell.

HIS Day Mr. Rosewell was brought to the Bar, and the Court asked the Council assign'd for him, what they had to say.

Mr. Wallop. May it please your Lordship, I am of Council with Mr. Rosewell, by your Lordship's Appointment; he being here a Prifoner now at the Bar. My Lord, I am inform'd (for I have not feen the Proceedings, nor heard the Indictment read) that it is an Indictment for treasonable Words; and many treasonable Words; and likewise, as I take it by Information, these Words are apply'd by divers Innuendos; fo that for ought I can apprehend by what I am inform'd (which I must still keep to) it is so uncertain, insensible, involved and intricate, that no fafe Judgment, as I humbly conceive, can be given upon it.

My Lord, to consider these Words; First, if you please, I shall State them as discharged of the Innuendos, and put them to your Lordship barely and nakedly, as they are in the Indictment, and as they were Sworn, and are to be supposed by the Conviction to have been spoken. The Words are these, as they stand discharged of their Innuendos, That the People make a flocking to the King under pretence of healing the King's Evil, which he could not do; but we are they to whom they ought to flock, because we

are Priests and Prophets, that by our Prayers can heal the Dolours and Griefs of the People. We have had now two wicked Kings together, who have suffered Popery to enter under their Noses; who can be liken'd to no other Person but the most wicked Jeroboam: And if they would stand to their Principles, he did not fear but they should overcome their Enemies as in former times, with Rams-horns,

broken Platters, and a Stone in a Sling.

These, my Lord, are the Words nakedly in themselves; and these are said to be spoken in a Publick Affembly, where they were likely to do hurt to the Government. Thus, I fay, they stand without any of the Innuendos. Now, tho' your Lordship will have, and Justly ought to have, a good Account given you of fuch Words as these, how they came to be spoken, even taking them as they stand discharged of the Innuendos; yet I humbly conceive with Submission, they do not contain any intention of Depoling or Destroying the King, and fo can have no treasonable Intention in them: And then your Lordship, I suppose, will likewife expect to have a good Account of these Words in another respect; how Words which in the hearing of them barely and nakedly spoken, could not carry a treasonable Intention, I fay, how it comes to pass that in the writing of them down in an Indictment they become High-Treason.

My Lord, these Words as they stand discharged of the Innuendos, are loose, extravagant, insensible Words; sounding rather to-

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towards Phrenzy, than Treason. So that as they stand without further Explanation by an Innuendo, they are perfectly infenfible, and one cannot tell what they refer to, or whom: And if the Words, Ex vi termini, without further Averment, contain no treasonable intention and meaning, and fo confequently have no Treason; it may feem very difficult and hard to maintain, how, out of the Assembly in which they were Spoken, being put into Latin, in an Indictment, they should become Treason: They not being Treason at Rotherhith, where they were Spoken; how they should be made Treason at Kingston or here, where they are dress'd up in another Form, Indeed, I know no Way that it can be done, but by adding some other Words by some other Hand. And, my Lord, I suppose it was so done by those who framed this Indictment that is before your Lordship, by inferring, and adding this Multitude of Innuendos.

But I suppose then, they that would insert these Innuendos must have a good Warrant to insert them: For if they are inserted without Warrant in Law, then it must be acknowledged to me that the Indictment is not good; and I humbly conceive it to be a Rule in Law, that no Innuendo can warrantably be inserted in an Indictment, Information, or Declaration, upon an Action of the Case for Words, unless the Desendant sirst himself be averred, and that directly to have mentioned a Person in certain, to whom those Words may be referred;

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and it must not slide in by Supposition, but it must appear in the Body of the Discourse of the Defendant. And the Reason is evident, in all Cases of Slander, and particularly in these of treasonable Words; for how could the Hearer understand whom the Preacher meant, or he that discoursed so and so; and so be influenced to Rebellion, unless he had named the Person of whom he spoke; as here, unless the Desendant had named the King to whom the Words he spoke should be referred?

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My Lord, the Treason of the Words is in stirring up Sedition and Rebellion; and if then the Words cannot terminate upon the King, and the Hearers could not collect that to be the Intention of the Speaker; these Words could not influence a People to Rebellion and Sedition. And according to this Rule, I conceive that most of the Innuendos

in this Indictment are not warrantable.

For, my Lord, as to the first Words, to take them in order, tho' I take it, that that is the most remote Matter from the Crime charged; yet let us strike off these Innuendos as we go along, if we can. There it is Quod populus &c. the People (meaning the Subjects of our Lord the King) keep a flocking to the King, to cure the King's Evil, which he cannot do, &c. Here the first Innuendo is the People (meaning the Subjects of our Lord the King). Now he had never before named the People of England; but the Innuendo fastens that meaning upon the Word [People.] Which with Subsidered.

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mission, my Lord, is always a Sign of a naughty Innuendo; and it is without Warrant of Law; an endeavouring to give an original Certainty to uncertain Words; which is more than the office of an Innuendo will allow or warrant. I fay, my Lord, it always bears a Bad face, where Words first appear with an Innuendo, and have no certainty even in the Beginning of them but by the Innuendo; that, with Submission, is to be rejected, the Innuendo not doing its proper Office, for which it ought to be used in Law: For Populus may intend any People; it may intend the French People flocking to the French King, (and he does heal the King's Evil in the same manner; nay, pretends to it as a fole Gift to him, his Predecessors and Successors: But I only put that for an Instance) and all the Innuendos, if you observe them, are of this Nature. The Words first appear without any light, but what these Suppositions give them; and therefore, I fay, they are to be rejected.

But now, my Lord, I come to that which is more particular, Nos habuimus nunc duos iniquos Reges in simul; We (meaning the Subjects of the King) have had two wicked Kings (meaning King Charles the First, and this King) together. Now that we say is altogether void, for there was no mention of any Kings; wicked Kings or good Kings, Pious or Bad, before, in the Discourse; to which, according to the Office of an Innuendo, these Words are to be apply'd. My Lord Coke in his 4 Rep. fol. 17. B. has this Case.

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* John Jeames brings his Action against Mexander Rutlech, for speaking the following Words concerning him, to one John Bonner. Hang him (prædictum Johannem Jeames innuendo) he is full of the Pockes. (innuendo the French Pocks.) I marvail that you (prædi-" Etum Johannem Bonner innuendo) will Eat or Drink with him (prædictum Johannem Jeames innuendo) I will prove that he is full " of the Pocks (innuendo the French Pocks.) "Upon a Motion in Arrest of Judgment, it " was Resolved by the Court, that in every " Action of the Case for Slander, two Things " are requisite. First, That the Person who " is Scandalized be certain. Secondly, That "the Words spoken be apparent Slander. The "Office of an innuendo is to design the same "Person that has been named before: And "is, in Effect, instead of a Pradict'. But it "cannot make the Person certain, that was "uncertain before. In the present Case, it " was Evident that the Plaintiff did speak the "Words of the Defendant. But as to the

LE plaintiffe count que le defendant, & un John Bonner ayant conference de le plaintiffe; Le defendant dit del plaintiffe al dit John Bonner ceux parols. Hang him (prædictum Johannem Jeames innuendo) he is full of the pocks (innuendo) the French pocks, I marvaile that you (prædictum Johannem Bonner innuendo) will en with him (marvaile that you)

Mich. 41. & 42 Reginæ Eli en bank le Roy, enter John Jeames pl. & Alex. Rutlech def.

dictum Johannem Bonner innuendo) will eate [B] or drink with him, (prædictum Johannem Jeames innuendo) I will prove that he is full of the pocks, (innuendo) the French pocks: Le defendant plead non culpable, & fuit trove pur le plaintiffe & damages assesse : Et fuit move en arrest de judgement que les dits parols ne fueront actionable. Et fuit

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" fecond Thing, it did not appear that the " Words spoken did mean the French Pocks; and

Words are to be taken in mitiori sensu,

resolve que en chescun action sur le case per saunderous pa rols, deux choses sont requisite. J I. Que le person que es scandalize soit certaine. 5 2. Que le scandal soit apparen per les parols mesmes. Et pur ceo si un dit sauns ascun pre cedent communication, que lun des servaunts de J. S. (il ayant divers) est un notorious Felon, ou Traitor &c. icy pur le incertaintie del person nul action gist; & un (innuendo) ne poit faire ceo certaine: Isint si un dit generalment: Iknow one near about I.S. that is a notorious Thief, on tiels semblables. Mes quant le person est un foits nosme en certaine, come si deux parlant ensemble de J.S. lun dit, He is a notorious Thief: La J.S. en son count poit monstre que la fuit parlance de luy enter les deux, & que lun dit de luy: He (innuendo prædictum I. S.) is a notorious Thief Car le office de un innuendo, est a container & designe mesme le person que fuit nosme en certain devant : & en effect estoit en lieu de un (prædict') mes un (innuendo) ne poit faire person certain que fuit incertain devant : Car serra inconvenient que actions serra maintaine per imagination dun entent que nappiert per les parols sur que laction est fondue, mes est tout incertain & subject al deceivable conjectures Mes si un dit a J. S. Thou art a Traitor, &c. la, constat de persona, & action gist : Issint icy en le case al barre, quant le defendant & Bonner ad parlance del pl'donques quant le defendant dit hang him : La (innuendo) voyle de note mesme le person nosme devaunt : Mes si le defendant Sauns ascun parlance del plaintiffe ad dit, hang him &c La nul innuendo voyle aver fait le person certain. J Quant al 2. sicome (innuendo) ne poit faire le person certain que fuit incertain devant, issint un (innuendo) ne poit alter le nis matter ou sence des parols mesmes: Et pur ceo quant le de residendant en le case al barre dit al plaintiffe: That he was we foil of the control of the case al barre dit al plaintiffe. full of the pocks, (innuendo) the French pocks, cest innue endo ne fait son proper office, car ceo contende a extender les aic general parols the pocks a le French pocks per imagination to do dun entent que nest apparent per ascun precedent parols, à que le innuendo reserver; Et les parols mesmes serva prise in mitiori sensu. And

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the And I humbly conceive this Book is a most and regnant Authority that states the Matter truwith a Judgment of Law, and the Reaon of it; and all the Books that come after his, borrow their Light from what is laid e ef lown as the Rule of Law in this Case; as pre-(il pur here are an infinite Number of them, which shall not trouble your Lordship with parido) scularizing; only just to name some of them, (Co. 20. Hob. 45. and 2 Cro. 126. wherein hey fay, That altho' the Plaintiff be parti-He cularly nam'd by a special Name; yet if the Declaration comes to Name him in an Action of the Case for Words, at the first Appearance with an Innuendo, then that Innuendo is the very Words, yet they will reject that Inmuendo, as not doing the proper Office of an due, Innuendo: And that Judgment shall be Arrested, tho' the Jury sound that the Party spoke such Words: And this is upon the Rule were, and the Sound with Power than the Conference of the Sound this Rule in the dant with Power to the Conference of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Sound the Rule of the Rule o

th Report to the Case before your Lordship; we say there was no mention at all before of any two Kings; nay, not of any King, in this Discourse, to which the Innuendo should refer; and the Innuendo being join'd to the was my Words first spoken, without any Discourse had any discourse the laid concerning first poken. les aid concerning fuch a Person, or Averment to be spoken of such an one before, the Innuento be spoken of such an one before, the Innuento do cannot give any certainty to that which had to such original Certainty; that being against

the Office of an Innuendo, and fo is to be re-And the meaning of the Books, and ard of that great Rule which I first cited is this That the Defendant must himself in his Di course, first set up such a Light about the Words of the Person concerning whom the lim are spoken, that the Intention of the Speake other may with ease be collected; then comes the Innuendo with a Beck or a Nod, as it were and that Collection is to be the nutus to shew who was meant; but it is not sufficient to spe give an original Certainty, where fuch a Certainty is not fix'd before the Innuendo comes The Defendant himself must set up such a Light as will carry the Intention to the End of the Discourfe.

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Then it is said Duos iniquos Reges, in the Plural Number; meaning the late King Charle and his present Majesty; now King Charles the hish First was never pretended to be mention'd subjection before; why then according to that Rule, as conf to him the Innuendo signifies nothing at all that and then it must be taken in common Under any standing, We have now had two wicked Kings to tell gether, Innuendo our Sovereign Lord the King ble, that now is, against whom the Treason must be said to be committed: But this is very ther harsh, and insensible, and impossible; it is tern harsh in all respects both of Grammar, and M. Reason, and Law; it is insensible because it thing is impossible; and it is impossible because you want the life make two Kings to be one, or one Work Kings to be two, and the Innuendo must serve if the both

oth ways; which I believe your Lordship will

ardly undertake to do.

And besides, my Lord, there is another Inmonsistency in these Word, habuimus nunc,
hat's contradictory; habuimus refers to the
sime past, and draws one Way; nunc refers
to the Time present, and draws another Way;
and when there are such Inconsistencies and
hocherences, how can any Man make a Judgment in this Case where the Life of a Man
specially is concerned?

But, my Lord, if habuimus be that which being first shall take place, then these Words refer to any two Kings that we have had, under whom Popery hath been let in; and so we must run back from Harry the 8th up to the Conquest, nay beyond the Conquest to the Saxons, and other former Kings, to the first that Established the Christian Religion, which was then subject to the Papacy. And it will be hard to construe them wicked Kings for so doing at that Time; as any Man's reading that knows may thing of the History of England, will easily sell him. So that it is unintelligible and infensible, even that way; and to be sure, if it be shown that we have had two wicked King together, referring so far back, it cannot at all contrast to the same that we have had two wicked King together, referring so far back, it cannot at all contrast to the same table to the same table to the same table to the same table to the same table to the same table to the same table to the same table to the same table to the same table to the same table table to the same table to the same table to the same table to the same table to the same table to the same table to the same table to the same table tab

My Lord, I shall be short; I only State these things before you, and recommend them to your Lordship's Consideration. Then come these Words, which it seems are most relyed upon, they would stand to their Principles, he did

not Question, but they should be able Inimic suos vincere; Innuendo the King and the Go vernment. This is the most insensible, (as I as prehend) of all; and it is in the fatallest par it being there that the Treason must lye, there be any. Now, my Lord, we first far there is no mention at all of any Enemie thoroughout all the Words precedent; there no Averment that the King was Enemy to an body, or any body to him; and therefore the In nuendo, for this reason, is to be rejected; and the rather, in that it makes the King and his Subject to be Enemies one to another; which is an Im putation that ought not to be admitted; and dare fay, will not be by your Lordship. There fore in this Case, to put such a Sense, in such Weighty matter, (being a matter of fact,) up on fuch Uncertainties without any further Aver ment of the Intention and meaning of the Speaker to be fo and fo; and without any thin but fuch Innuendos, is very hard: For now per haps the Jury only from this Innuendo wer perswaded that all these things pointed upon the King and the Government; and did take i that the Law was fo; that the Words Intended as much: Then do they give their Verdict of Matter that was never averr'd, and for want of an Averment could never be put in issue, se that the party could have a Tryal whether he were Guilty as the Indictment fays.

My Lord; I shall cite no Books more than have done. I humbly conceive that putting that great Rule in the Book I first mention'd, and the

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reason of the thing together, and the subsequent Authorities that I have cited; and they stand so hair and clear to avoid this Indictment, that to mouble your Lordship further were to embroid the case; therefore I shall say no more out of the Books. But the Rule is a firm, reasonable, undeniable Rule, which must rule all Cases that come under the Reason of it. And I never heard that Book was ever contradicted; but all subsequent Judgments were agreeable thereunto.

Mr. Just. Withins. What Folio is it, Mr.

Wallop, in the 4th Rep.?

Mr. Wallop. Folio. 17 B.

Mr. Just. Holloway. It is 's Case, is it not?

Mr. Wallop. Yes Sir. My Lord, I have stript the Words of the Innnuendos. You will not I am sure put, nor can an Innuendo put such a Violence or Force upon Words, as to make them Treason, when in themselves they have no fuch meaning. Innuendos are to follow the meaning of the Words as they lie in the Record, and not to draw the Meaning of the Words after the Innuendo; for you will never, (especially in a Case of Life) press Words, or Strain them to speak more than willingly they mean or intend. It is not the practice of the Law so to do, to make any such Stretches. Qui nimis emungit, elicit sanguinem, he that wrings the Nose too hard will draw forth blood; that is the rule of that great Lawyer, My Lord Coke, who applies that Saying to the forced Straining of Words beyond what in themfelves

felves they naturally and eafily will bear. And it is plain that God is not well pleased with fuch Emunctions: Nor does the Law of the Land at all allow it, but absolutely forbid it; for the Law of England speaks thus, In dubiis & generalibus, benignior sensus est praferendus; in all dubious, uncertain, and general Cases, the most benign and candid Interpretation is to be taken: So that if here should be a doubt about these Words, what Sence they may be taken in; the Law of England does enjoyn your Lord-Thip to take the Way that lies on the Right hand, and make the most favourable Constru-Ction that can be of them. We say then, the Words (as I conceive) standing quite otherways and without the Innuendos, are infensible; at least uncertain to what they should be applied, or to whom; and then if there should be a Doubt, (tho' indeed in one respect I think there is none; yet if there should remain a Doubt) I fay your Lordship and the Court are to take that which is the most mild and gentle way of construing these Words.

My Lord, I shall not trouble your Lordship further in the matter; for I think it is feen by its own Light, and these few Touches that I have given of that general Rule as applyed to the particular Case before your Lordship: And I do not Question but they will be apply'd by your Lordship and the Court, in their Consideration of the Case: Therefore I lay it at your Lordship's Feet, and humbly pray that the

Judgment may be arrested.

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Mr. Pollexfen. My Lord, I am affign'd by the Court to be of Council for Mr. Rosewell, the Prisoner at the Bar; and therefore humbly defire your Lordship would please to spare me a Word of the same Side with Mr. Wallop. The Case, that is, this Part of the Indictment hath been put (according to what our Information is) right by Mr. Wallop; but because there may be many Words in the Indicament, (and there are so) some of a higher Nature than others; therefore I beg leave to put the Words diffinctly as they lie; and I shall endeavour, with Submission to your Lordship, to hew what Words are in themselves Treason; and what are not Treason, tho' they may be a great Misdemeanour, and highly punishable

by the Lord, and by the Court.

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My Lord, Tho' the Statute of the 25 Ed. 3. does provide that for the Convicting of any for Treason, there shall be an Overt-Act; yet I do not hold, nor do I think, but that there may be Words that are an Overt-Act, and consequently Treason within that Statute; but then what fort of Words these are, is that which I would humbly offer to your Lordship to discourse of: For my Lord it plainly appears that Words in themselves that are very evil and wicked, yet are not Treason, nor are to be Punish'd by vertue of that Statute of the 25 Ed.3. As in one Cro. 117. & 125. Hugh Pine's Case. The Words there spoken by Pine, are most evil and wicked Words; yet by all the Judges of England they are agreed not to be Treafon

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But, my Lord, for a further Determination of this Point, what Words are Treason and what not; give me Leave to mention the Statute of the 13 Car. 2. which I understand to be the Statute upon which the Prisoner is indicted, and the two Branches of that Statute for the First tells what is Treason, and the Se cond what is not Treason, but only Misde meanour; And that second Branch of the Statute fays, That if any Person shall maliciously and advisedly publish or affirm the King to be an Heretick, or a Papist; or that he endeavours to introduce Popery, or maliciously and advisedly by Writing, Printing, Preaching or other Speaking; or does publish, utter or declare any Words, Sentences, or other Things, to stir up the People to hatred, or dislike of the King's Perfon, or the Establish'd Government; then he is disabled to have or exercise any Place or Office, Civil or Military, and be liable to fuch further Punishment as by the Common Laws or Statutes may be inflicted in fuch Cases: By which, I take it, the meaning to be Fine and Imprisonment, or bodily Punish ment; But not the Punishment that is ap pointed to the Judgment of High-Treason, or loss of Life or Member.

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Mr. Att. Gen. My Lord, I humbly crave your Lordship's Judgment whether this shall be permitted, that the Council should enter into such a Discourse as this. The Question (I take it) that your Lordship appointed to be Spoke to is, Whether this Indicament as

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to Form, be sufficient for your Lordship to give Judgment upon: But Mr. Pollexsen is going into that which is a far greater Point; whether these Words abstracted from all their Innuendoes are Treason, or no. My Lord, the Prisoner did not move that in Arrest of Judgment; and whether your Lordship expects any such thing should be spoken unto, that was not moved or stirred by him, I must submit it to you. The Jury sound that these Words were spoken with an intent to depose the King. Whether that your Lordship will permit it to be argued whether such Words are Treason in their own Nature, is of quite another Consideration.

Mr. Pollexfen. Good Mr. Attorney, Pray spare us. We come to show that if in their Nature they import not Matter of Treason, then the Innuendo's cannot help them, so as to make Treason of them.

Mr. Att. Gen. Truly, my Lord, I did not understand that it was your Lordship's pleasure the Council should have liberty to argue any such thing as whether the Words be Treason, being found to be spoken with such an Intention; but whether these Innuendos have sufficiently been laid to maintain the Indictment in point of Form.

Mr. Pollexfen. If you leave out the Words Innuendo, then fure we may fpeak to the Words themselves.

Lord Ch. Just. Look you, Mr. Attorney, either you mistake Mr. Pollexsen, or I do: For I take

of these Words, as they are laid in the Indictment; that are uncertainly laid, so as that they will not Support an Indictment of Treafon.

Mr. Att. Gen. My Lord, He is arguing that if they were spoken of the King, yet they would not be Treason.

Lord Ch. Just. Will he fay so? I dare fay he

will not.

Mr. Att. Gen. He is arguing upon the Statute, what Words are Treason, tho' spoken of the King, and what not; which, I take it,

is not the Question now.

Mr. Soll. Gen. My Lord, We humbly offer it to your Lordship, whether it be according to your Lordship's Rule and Intention that he was to argue whether the Words were Treafon; or only whether the Form of the Indictment, as to the Innuendos, was good and sufficient.

Lord Ch. Just. Taking the Words to be sufficiently set forth in the Indictment, and sound by the Jury to be spoken of the King, especially the last Words; Do you think we would suffer that Question to be debated, whether they were Treason or not? God forbid. I will not sit here to hear that Question at all so much as made or put, I'll assure you. I took him not to argue at all any thing that way.

Mr. Pollexfen. Pray, my Lord, hear me; am going only to this; for I would not offer any thing beyond what is fit for me to offer

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and for the Court to hear: But this we fay, That the Words, the effective Words are not so sufficiently laid in this Indictment, as to make them amount to Treason; I am only going to that.

Lord Ch. Just. Ay; That's the stinging Part of the Question, and so I understood him be-

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Mr. Pollexfen. My Lord, I only mention'd that of the Statute, that there were two forts of Words there taken notice of; to shew that I thought these Words were not within that Branch that is said to be Treason.

Lord Ch. Just. Well, go on.

Mr. Pollexfen. I will keep my self to the first Clause of the Statute; for what I mean, is this, That if these Words come not within that first Branch which makes the Treason, then your Lordship cannot give Judgment upon this Indictment. For tho, my Lord, it may be these Words are extraordinary ill; and being Spoken or Preached, may have an ill sense or meaning with them; yet I would observe to your Lordship, there are other Penalties and Punishments provided for some sort of Words, than there are for others.

But then my Lord, let us consider the Words of the first Branch of this Statute. If so be any Person does compass the Death, or bodily Restraint, or other harm to the King's Person, or to deprive the King, or levy War against the King, &c. And this compassing and imagination does express by Printing, Writing,

Γ 3 Preaching

Preaching, or malicious and advised Speaking, they shall Suffer Judgment of High-Treason. Now then, all that I would come to is this, that this same treasonable Printing, Writing, Preaching or Speaking, must be of such Words as shall intend the Death, bodily Hurt, Restraint or Imprisonment of the King's Person; or Levying of War.

My Lord, having faid this, the next thing is to come to the Words themselves; and to take them as they are in themselves without the Innuendos; and see what the Natural Sense of them will be: And we'll take them in the Natural Order as they are laid in the very In-

dictment, and found by the Jury.

The first Passage of them is quod Populus,&c. (meaning the People of England, the Subjects of our Lord the King) made a flocking to the King (meaning our faid Lord the King that now is) to cure the King's Evil, which he could not do; but we are they to whom they should come, being Priests and Prophets, that by our Prayers can heal the Griefs of the People. Now, my Lord, with humble Submission, it is plain that as to these Words, they have not in themselves any tendency to Treason at all, whatsoever Refle-Ction they may make upon the King; they are the Words of a Priest magnifying his own Office, and his Power with God Almighty; but they do not come up (I think) to this Crime, for which the Prisoner at the Bar stands accused.

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Then the next Words that follow are thefe, Nos habuimus nunc duos iniquos Reges in simul, qui permiserunt Romanam superstitionem intrare in corum conspectu, &c. and whom can be liken'd to none but wicked Jeroboam. My Lord, these I do acknowledge are very wicked and bad Words, especially if they must be apply'd as the Indictment has fet them forth, to the late King and his present Majesty: Yet these very Words (under favour) will not amount to the Charge of High-Treason. They deserve very severe Punishment; but they seem not to come up to any thing of an Intention, or compassing, or defigning the Death, bodily hurt, or Imprisonment of the King; or the levying War against him. This I speak, my Lord with Submission, and I believe your Lordship may be of the same Mind.

But then, my Lord, the next Words that follow, are the Words (I suppose) that are rely'd upon to make out this Accusation; Quod sipsi starent ad fundamentalia, ipse non timebat &c. That they should overcome their Enemies as in former times, with Ram's-horns, broken Platters, and Stone in a Sling. These, my Lord, seem to be the Words in which the Crime consists. Now, my Lord, if these Words in themselves are so uncertain, or such as do not tend or relate to the present King, or the present Government, to stir up Sedition or Rebellion against them; then will they not be Treason, because they do not so relate.

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Now,

Now, my Lord, these Words if you take them alone without the former Clause, Nos habuimus nunc duos iniquos Reges in simul &c. closed with the Innuendo, that he meant the late King and this, I fee not possibly how they can be faid to relate to the present King and Government to make them Treason within this Act. Which way can it be? if they would stand to their Principles, they sould overcome their Enemies: How can that be intended to be meant of the King, and his loyal Subjects? Then let us consider the Words that go afore, whether that will help any thing or no; habuimus nunc duos iniquos Reges in simul, These Words of themselves stript of the Innuendo, do not express what two Kings are meant by them. If you take the Words strictly, that We have had two Kings now together, in simul; as the Word signifies, it must be two Kings at one and the same time; But take it in the English Phrase (as perhaps they would have it turned into English) We have now had two wicked Kings together (meaning the late bleffed Martyr, and his now Majesty) then it must be, we have had now two Kings successively; but it is a strange thing to render fuch Latin into fuch English, which feems to be in the Nature of the Words themselves, fuch as will bare no fuch Sense or Constru-Ction as that. And then the qui permiserunt Romanam superstitionem intrare in eorum conspectu; if the first Words do not in themselves express what Kings were meant, these Words that follow can give no manner of certainty to them

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nor can the Words that follow them (qui affimilari possunt &c. which can be liken'd to none but micked Jeroboam) in any fort shew any certainty to whom the Words are to be apply'd,

or illustrate whom the Speaker meant.

But now that which is the next clause is the worst Clause of all, Sed si ipsi starent ad fundamentalia &c. Ipsi in all ordinary Construaion of speech in all Language, being coupled to the former Words, (and fo I think the rule in the Grammar is, and will be read by any reasonable Person that reads) must refer to the next Antecedent. And then who are the they that are last spoken of? It must be the two wicked Kings, let them be who they will, that were meant by those wicked Kings; for there is no other Person that does intervene as spoken of, to whom they should be referr'd. The former Words are spoken in the first Perfon, and plural Number; we have had, speaking in the Name of himself, and they that were his Auditors; and then to come with ipsi after he had mention'd two Kings who had suffered Popery to come in, and were to be liken'd to Jeroboam, changes the form of the whole Speech. It should seem according as it is laid in the Indictment, to run thus; and then I desire your Lordship to consider the sense and Grammar of them; We have had now two wicked Kings together, who have Suffered Popery to come under their Noses; we cannot compare them to any but to wicked Jeroboam: And if they would

would stand to their Principles, then he did not doubt but they sould overcome their Enemies as in former times &c. Why then if ipsi according to Grammar and ordinary Reading, being a Relative must refer to that which went last before, there is nothing in all the Sentence before, but, We, (that is he and the People that heard him;) and the two Kings that he spoke of; and the two Kings being last spoke of, it must in all Grammar I say and Sense be understood of the Kings. Then let us fee what Sense we can make of it; We have had two wicked Kings that have permitted Popery under their Noses, that they can be compar'd to none but wicked Jeroboam: and if they stand to their Principles he did not fear but they, (the Kings) (bould overcome their Enemies. In all ordinary and fair Reckoning, I cannot fee how they can mend it, but the Ipsi must refer to the Reges; and the Eorum fundamentalia, ipsorum Regum, if you take these Words as they do lye; and if they have any Sense or Meaning at all in them, this is the proper and natural Sense and Meaning of them.

For it is pretty hard to apply the Nos babuimus nunc duos iniquos Reges to the ipsi qui starent ad fundamentalia. In all Probability he spoke it thus (if it were continued on in a Discourfe, which I can fay nothing to, being only to speak to the Words as they are laid in the Indicament;) and if we do but stand to our Principles; I do not doubt but we shall overcome our Enemies as formerly, &c. But ipsi is a Variation of

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the Person, and according to all Grammatical Construction, we know how it must be expounded. The other seems to be the natural Reading of the Words, but the Indictment has not pursued them; but has made them, instead of that, to be quite Nonsence, supposing them to have been spoken as the Jury have sound

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But my Lord; if they do not well bear that Sense which I think they should properly and naturally bear, if they had been right laid; the Question then is whether we can make these Words as they are laid, to bear any such Sense as the King's Council (by there Innuendos) have placed upon them; that is if they, (meaning he and his Auditors) should stand to their Principles, then they should overcome their Enemies (meaning the King and his Loyal Subjects). Truly my Lord, I cannot see how that can be, how Ipsi should be me; I and mine Auditors should stand to their Principles.

But setting that aside, come we then to the main Words. He did not fear but they should overcome their Enemies. The great Force of these Words lye in the Word Enemies. What is meant by Enemies? For all the rest without that, would not signify any great Matter, with submission to your Lordship, as I think: And therefore here comes the great Burden, and that which is the sharp Sting of all this Indictment. And to make Enemies to signify the King and his Subjects, my Lord is a very wonderful Innuendo, as I believe ever was attempt-

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ed to be made. So it seems to me with Submission to your Lordship; the Word Enemies it self is a Word of so large Comprehension that it reaches to a great part of the World. God knows Mankind is so very unhappy as that every one hath very many, and too many Enemies. Who is not an Enemy? A man scarce knows; its well if he does. And this is a thing that's mighty hard, that so general a Word should have so hainous a particular Application.

There then rests the Burden of the Case; whether Inimicos should signify the King and his Loyal Subjects. If in the natural Grammar, the former Words of Ipsi starent ad fundamentalia, be as I have shown, to be referred to the duos Reges as the last Antecedent, then it must mean that the duo Reges would overcome their Enemies; and then there is no hurt in all these Words; but whatsoever was spoken is very commendable and very allowable: But if you would take it otherwayes, I see not how it can be done without the greatest Strain in the World of so general a Word, to make inimicos mean the King and his Subjects.

Now, my Lord, let us see how they intend to help it out, and that is by these Innuendos. The Nature of an Innuendo hath been already open'd to your Lordship by Mr. Wallop. I shall not repeat any thing of that which was said before; for that I cannot take to be any Service to the Prisoner at the Bar, to take up your Lordship's time in Repetitions. The Books have been cited, and Reason it self will direct

to that; for must not a Man be convicted by his own Words as well as punished for them? It is not fure the Skill of the Clerk to put in an Innuendo (or of any one else) that shall be construed to make my Words to have any other Sense than I that spake them intended them in. If the Words are not clear, why then they cannot affect the Auditory fo as to have any evil Influence upon them to incite them to Sedition or Rebellion; for fensible Words must influence sensible Men: But Words that are infensible can have no influence at all upon rational Creatures. Then shall an Innuendo make that an Offence, which without it, was not an Offence; especially so great an Offence, as that of High-Treason? Surely not.

Besides, my Lord, all our Books are against making any such Construction. Roll's Abr. 1. Part 84. There is a whole Bead-Role of them to prove, that Innuendos will not help where the Words in themselves have any Incertainty in them. The bare setting down the Words with Innuendos are not an Averrment sufficient to maintain an Action, or an Indictment. The Cases there are indeed upon Actions of the Case for Words, which in reason are under

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For my Lord, there are two Ways to apply Words that are uncertain, to bring out the true Intent and Meaning of them, to whom they are to be apply'd; the one is by a Colloquium precedent; and where there is a Colloquium precedent of such Matter as will lead

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in the Sense of the Words, which without it were not to be understood, there the laying that Colloquium makes the Words come to be fensible; And there is this reason for it, whenever that's done, the Colloquium must come in Evidence and must be proved: But I never yet knew an Innuendo offer'd to be proved. Another Way is this, where Words are laid in a Declaration with an Averment precedent to be spoken of such a Person, then the Words with an Innuendo after that Averment, show fufficiently what is meant by them. If fo be fcandalous Words are spoken, as to say, Thy Landlord, your Brother, your Master, your Servant, your Son is a Thief, or the like: In these Cases the Words in themselves do not express the Man of whom the Scandal is raifed, but they give fuch a Denomination of the Man, that may by the Hearers be fufficiently known. Why then in that Case, if in the Declaration it is averr'd that the Plaintiff was his Landlord, was his Brother, was his Master, was his Servant, was his Son, and that these Words were spoken of him; and thereby it comes to be made apparent to the Court what is meant, and who is meant, that is well; and all that must be proved to the Court upon Evidence; or the Action cannot be maintain'd. By fuch means as this, it is made plain and demonstrable, that there can no Doubt remain, either with the Court or the Jury, to whom the Injury is done, and of whom the Scandal is utter'd. And these are the only two Ways that ever I could observe

observe were allow'd to be sufficient to maintain any such Action: And there the Innuendo comes very properly in to assist the Averment,

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But now, my Lord, here in this Case, here's nothing of that kind but only a bare Innuendo, that such and such were meant, without either a Colloquium that there was a Discourse concerning such and such Persons; or an Averment that the Words were spoken of the Persons.

My Lord, I cannot tell what Precedents they will offer to your Lordship of former or later Times. We have had but a very little time to look into it; and have not that recourse to the Precedents on the Crown's side, that the King's Council have. But, my Lord, for Precedents that may have past sub silentio, without having the Question stir'd, I suppose will not be allowed by your Lordship and the Court as Precedents against us. But I think there will be no Instance given where ever any such thing came in question, that ever Judgment was given against the Defendant.

My Lord, this seems to be the sense and nature of the Words as they are laid in this Indictment, stript of the Innuendos; and your Lordship knows what a Case we have now before you. We are in the Case of the Life of a Man, which is much favour'd in Law; and if there be any doubt, or uncertainty, your Lordship will lean rather towards the savourable Side; and if, according to the Rules of

Law,

Law, Words to make men Criminal shall not be strained or forced beyond their plain, natural Meaning; sure they shall not to make a Man capitally so: For the greater the Crime is, the greater Consideration the Court will have to see that there be no strain'd, forc'd Constructions to bring the Life of a Man in Danger: And therefore I humbly pray that

Judgment may be Arrested.

Mr. Att. Gen. May it Please your Lordship, I am of Council in this Case for the King; and notwithstanding any thing that has been faid, I do conceive, that there is High-Treason well alledg'd in this Indictment, of which the Prisoner is found Guilty, against whom I must demand your Judgment. My Lord, there is a great difference in this Matter; that is, whether the Words are Treason, as they were fpoken by him; and whether or no this Treason, admitting it to be Treason, be well disclosed by this Indictment: For, my Lord, I think to Preach in a Publick Affembly that, we have had two wicked Kings together who have permitted Popery to come under their Nofes, and then to go on with it to Stand to their Principles (for fo the Words are laid in this Indictment) and they should overcome their Enemies as in former times with Ram's-horns, broken Platters, and a Stone in a Sling, is a very high Aggravation of fuch Words. And my Lord, if you remember the Evidence, as I doubt not you do, it was all spoken in a Publick Assembly, before 4, or 500 People; and they were spoken

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ken without any Words intervening whatfoever. These were the only Words that were spoken relating to this Matter: So that these must carry their own pregnant Sense with them, of exciting the People to stand to their Arms against the wicked Kings, or else they are of no Signification. And thus they are laid in the Indictment, and found by the Jury to be spoken positively to stir up the People against the King, to depose him, and to raise Rebellion within the Kingdom. This, I say, is positively affirmed, and laid down in the Indictment. But now whether or no these Words are in Point of Form so laid, that the Court must understand them with relation to the King and Government, and as an Argument to stir up the People, is the Question: For if they be fo, then they are well laid to support this Conviction of Treason.

Now for that, my Lord, I would only first say, they must either import Treason in themselves, or they do not. If they do import Treason in themselves, no Addition of the Person concerning whom they were spoken (as that they were spoken of the King) will mend the Case, or make it better. Tho' it be laid never so much to be spoken of the King, and that be never so much averr'd; yet if it be not spoken to disturb the Government, or to raise Rebellion and Insurrection, the adding a thousand times that it was spoken de domino Rege would not avail. They confess they have no Precedents to produce; and I believe truly they have not:

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And so they only go by way of Argument, taken from Actions upon the Case for Words: Whereas there is a great Difparity in the Cafe between Actions of the Case for Words, and Informations or Indictments for Words that are Criminal or Capital; and I know if they will look into the Precedents that are in Print, in the Entries and in the Reports of Informations or Indictments, they will find it is never, or very feldom, or rarely done; it being look'd upon as to no Purpose, or as persect Surplusage, to lay that such or such a Thing was spoken, de domino Rege, de Gubernatione. But in Criminal Cases, and not Capital, it is commonly thus; of which there are multitudes of Instances: That such a one being of an ill Mind, to raise Commotion in the Kingdom, and sir up Sedition, spoke these and these Words. This was the constant Form in your Lordship's time, as your Lordship can remember, in the Informations that were, or the Indictments of Persons that had spoken Words relating to the Duke of York. I can remember when your Lordship us'd to fay, Never consult me, but follow the antient Precedents, which I dare undertake to fay are all thus; and fo I shall show by and by, it has been in Indicaments of Treason: And tho' perhaps one or two might at any time be otherways Drawn, (of which yet we can find none) yet, this hath been the constant Form for any thing that I can find; and it is of very great Confequence to fay at this time of Day, That what has for 100's

of Years together been the constant Practice, and Way of Indictments and Informations, is not good; it were to turn all things topse turvie, and to make great confusion in Prosecutions, and the Practice of the Law in Criminal Matters. I shall therefore show your Lordship that here is such a certainty as the Law does require, and as is usually practised; and that the Words in themselves are such, that they must have relation to what we have laid down in the Indictment, and to nothing else.

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But then they do lay down this for a Ground, which I think I may grant them very easily, and yet it will fignifie nothing to what they mean; I would wipe off all these Innuendos, leave them out of the Case, for I never expect any help from them at all; and then I do agree that an Innuendo without a strong, urgent Averment that the People which hear the Words spoke, and the Court that are to pass Judgment upon them shall say forcibly appears from the Words themselves, who was meant, and what was meant, will not support the Indictment, nor has the Verdict fortify'd it at all.

But they tell you in Actions of the Case, If John-a-Stiles be called a Bankrupt; if he will bring an Action against the Party that spoke these Words, he must aver, and affirm, that they were spoken de quaerente, of that particular Person that doth bring the Action; and so it is, the Law is so, and the Reason's plain; because there are many John-a-Stiles's perhaps, and the Plaintiff that brings the Action is but

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one; and therefore if he does not show that the Discourse was of that John-a-Stiles who brings the Action, it is uncertain who was meant, and cannot be supported by a bare Innuendo. But I take it in these Cases, whereever the precedent Averment is necessary. there must be a distinct Proof of that Averment; as if John-a-Stiles be call'd Bankrupt, (in the Case I mention'd) and he brings his Action and averrs the Discourse to be de Quaerente; and he calls Witnesses, who prove the Words to be spoken, that the Defendant did fay John-a-Stiles was a Bankrupt; and the Court demands this Question of the Witnesses, but do you know what John-a-Stiles the Defendant meant? and he shall answer, no, we only heard the Party fay John-a-Stiles is a Bankrupt: It is apparent that Evidence will not support the Action; for that Averment must be proved, that he that brings the Action was intended, and that there was a Discourse concerning him. There must be, I say, the Proof of the Averment to make up that certainty of the application of the Words which the Law requires. And therefore in what Case soever it be, if the Words be the only Proof, or if the Words carry fufficient in themselves to shew of whom they were spoken, it is ridiculous to fay there must be an Averment that they were spoke of such a one; because Words cannot prove themselves.

For, my Lord, where ever Words by strong and pregnant Intendment do carry Slander, and

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and of such a particular Person, there the Books are express that there needs no Averment, that they were spoken of such a one; as in the Case of Fleetwood and Curle, Hob. 267. which is a Rule for all Cases upon Actions of the Case for Words. Sir Miles Fleetwood being Receiver of the Court of Wards, brought an Action of the Case against Curle, for that he (having Speech with one Whorewood) did speak of the Plaintiff these Words, Mr. Deceiver (Innuendo the Plaintiff) had deceiv'd and couzen'd the King &c. He did there alledge the Words to be spoken of the Plaintiff. In that Case, upon not Guilty pleaded, it was found for the Plaintiff; and it was moved in Arrest of Judgment, that it did not appear by the Words spoken, that they were spoken of the Plaintiff: For Mr. Deceiver had no Propriety to that purpose; and the Innuendo would not make it certain; When it appeared to the Court that the Words would bear no certainty, tho' he did alledge the Words to be spoken of the Plaintiff in that Case; because there may be many Deceivers or Receivers; and he must prove it particularly spoken of himself. But then the Book is express, that after a Verdict, tho' he did not averr it was spoken of him in his Office, yet Judgment should be given for the Plaintiff, because there is a pregnant, violent, certain Sense, that may lead the Court and Hearers to take it so to be meant, and cannot be other ways imagin'd; and therefore the Court will not imagine it. As if a Man spoke

of an Attorney, that he is a Knave, and spoke not of his Practice; why then the Action won't lye: But if he be named an Attorney in the Declaration, and the Hearers knew him to be an Attorney; in that Case, it was rul'd not necessary to have any such Averment; for the Words themselves did import it in the Original Case, that it was spoken of him in his Office by the Word Deceiver; that having an Allusion, and Ironical resemblance to the Name of his Office; and in the other Case, because the Hearers knew him to be an At-

torney.

So my Lord, upon these Grounds, Judgments have gone in those Cases which they themselves do so much rely upon; Actions of the Case for Words; wherever the Words import pregnantly fuch a Sense, there does not need fuch an Averment. But I shall shew that in Informations and Indictments this cannot be necessary, and the Reason seems plain; For here as we have laid it, and as the Truth is, we all know it, there is but one King, and one Government; and when Words are laid to be fpoken to excite Commotions, or Rebellions, or Insurrections, they are but external Declarations of the Mind; the Treason that he is charg'd with, that is inward, it is the thoughts that are Treason. But it is true, the laying that alone, that he did so compass and imagine, without fome outward Declaration, would not be good in an Indictment, any more than the outward Declaration without the inward Inten-

Intention. But the Treason is, that he did imagine to raise Rebellion and War within the Kingdom, to stir up the People against the King, and to depose the King, and bring him to Death, and deprive him of his Crown and Dignity; and then goes the Indictment on, and fays, to the end that he might effect this Treafon, he spoke such and such Words, which by that new Law (that Mr. Pollexfen mention'd) will amount to Treason in Speaking, as well as Writing. I fay, it is politively charged in the Indictment, that he did thus and thus fpeak to stir up the People to Rebellion and War against the King; and then come the Words. If indeed any collateral Words be spoken, which in their own Nature, import not a Tendency to incite and stir up the People against the King, it would be naught with Innuendos; and fo it would be if there were twenty Averments. But I think that this is as strong an Averment as can be (what we all know to be true) that there is but one King and one Government. And then he spoke these Words in a Publick Assembly, We have had so and so, and if they would do so and so; which carries forcibly and pregnantly this Sense, that it cannot be intended to be spoken against any one elfe, but against the King and the Government; especially now after the Verdict, when the Jury find that he did all this to raife up the People against the King. All the Discourse is in it self pregnantly and forcibly tending that Way.

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My Lord, we are now upon the Form of the Indictment. Put the case there are many idle Expressions in it, as I may grant there are; yet if the greatest part import Treason, Sedition, and Rebellion; and are laid to be done to incite the People to Rebellion; and so found by the Jury; then the Indictment is well laid, and Judgment must be given for the King. The first Words are highly derogatory to the King, and must be understood to be spoke of him. If the Prisoner had thought these Words would not have been Treason, if he had demurr'd in the Case, by that, as the Jury find it now here, he wou'd have confess'd it to have been spoken of the King; for it is said he spoke it to the People, and he spoke it of the People of England; and to fay that Populus may mean the King of France's People, as Mr. Wallop would have it, certainly no Man can think that: For when he speaks in English, to an English Auditory in a Publick Assembly, That the People make a flocking to the King, how can that King mean the King of France? And how can the Word People, by any Intendment, but a very foreign and strange one, be interpreted to mean that the French People should come over hither for to be cured of the King's Evil, when (as he himself fays) the French King claims such a Power? No, That does fix it particularly upon our own King.

Pray let's consider then, what possibly can the Intendment of these Words be that fol-

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low, We have had now two wicked Kings together? as for that Objection of the Word in simul, that it means together at one time; that sure can have very little in it; it being to be taken according to common Understanding in our Dialect; and in English to say we have had now two wickedKings together; every one will understand it, we have had them one after another, because we have but one King at a time.

And then, my Lord, if the latter Words were left out, with Submission, I conceive upon the Authorities that are in our Books, these Words would have been Treason upon the Statute of 25 Ed. 3. For, my Lord, in a publick Assembly of People, which is an unlawful Assembly as this was, to speak such Words of the King would be Treason. For put the case he had collected a number of armed Men, at Hounslow-Heath, and there exhorted them to stand together; that the King was a wicked Prince, and had mif-govern'd himself in the Administration of the Government; I think that would be Treason within the Law. By the new Statute, to fay the King is a Papist, plainly is a Pramunire; but to fay the King is a wicked King, and has mifgovern'd himself in introducing Popery; that's a Step further than what this Act makes a Pramunire; for these are Words to stir up the People against the King, especially Preach'd in a publick Assembly.

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Then, my Lord, you'll take all these Words together; first after he had drawn away that great Authority, and great Power that the God of Heaven hath given to the King in curing the King's Evil, and declar'd him to be a wicked Prince, by fuffering Popery to come under his Nose, and that he was to be compar'd to none but wicked Jeroboam: And then to exhort the People, to stand to their Principles, and he did not doubt, but they should overcome their Enemies. What can be plainer Treason? For it is plain, that he did speak to the People, to the Congregation; and that can never be understood otherways by the Court, nor by the Hearers. For that Interpretation, that the King should overcome his Enemies; it is foreign and ridiculous; and not to be imagin'd by any body that has either Sense or Reason about them.

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But my Lord, I shall leave all this (the Jury having now found it) to shew what Precedents we could prepare for your Lordship; how Things of this Nature have been used to be drawn: For we have made for the little time we had, as good a Search as we can; and I have found several: And indeed, I cannot find one otherways, than as this is. And for late Informations, and Indictments, if you examine the Clerks that now are, they'll tell you, that there is not one otherways: But that if it be said to be done with an intent to raise Rebellion or War against the King, or Sedition, or the like; and then say, he Spoke such and such

fuch Words, that is fufficient. But I will shew your Lordship some antienter Precedents, some sew which will shew how the Practice was heretofore.

The first is 3 H. 8. Rot. 17. in the Indictment against my Lord Grey, of High-Treason; after the general Charge of machinating the Destruction and Death of the King, and Subversion of the Government; It is said there, that Proditorié he did speak these Words, 'That' the King's Grace should be driven out of the Realm, and the Prince's Grace should never Succeed. And it is not averr'd that these Words were spoken of the King, and of the Prince; nor was there any need it should be averr'd; for the Words plainly import they were spoken of them; and the laying it, that it was to raise Sedition within the Realm, was sufficient to make them High-Treason.

Then the next is my Lord Cobham's Cafe, 2 Jac. Sessione 1ma; for it is one of the great Records that lye in the Chest, amongst the Arcana. But by the Book in the Office, we have a Copy of it; but there is the Record in the Chest, and there it is, 'Posteaque 12 die Junii, 'ultimo praterit. ac diversis aliis diebus & vicibus, tam postea quam antea, disserunt &c. (for there are other Desendants) Proditorié 'there 'will be no good till the King (meaning our Sovereign Lord the King) 'and all his Cubbs (meaning the Children of our said Lord the King) 'were quite taken away &c. I leave out the general Charge of the Machination and

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contriving of the Death of the King; but to the intent to effect that Treason, such Words were spoken, without any Averment that they were spoken de Rege. There was no mention of the Progeny of the King before; or that the Cubbs that were spoken of, were the King's Children; neither would the Words Regalis Progenies, answer the English Word Cubbs; which was a Word abusively mention'd by him. But in that Case it was held to be a good Indictment; and Sir Walter Rawleigh was

condemn'd upon it.

Another is William's Case; and that's very like our Case in the first Part; that is, the first Words insisted upon are laid positively to be spoken of King James, by an Innuendo. Pach. 17 Juc. Rot. 40. there after the Machinans & intendens &c. it is laid that he fuch a Day of September, Proditorié devisavit a treasonable Book, call'd Balaam's Ass; wherein there are fuch and fuch Passages apply'd to the King by the Innuendo. There is nothing faid of that, to be spoken of the King, de Rege; but the Words of the Book, carrying their own plain Sense and Meaning in them that they must be intended of the King, and the Government; that was sufficient to maintain the Indictment; and he was Executed. The Innuendos are not material. If it can have no other Sense, that is enough to maintain the Indictment.

My Lord, In Fitzharris's Case, which your Lordship and all the Court remember; part

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of the Libel related to the Duke of Tork, by the Letters D. of T. and sometimes only call'd by the Letter T; and the King himself by the Letters Ch. And the Innuendo is, Meaning our Sovereign Lord the King; and there's nothing averr'd in that Case, and indeed, there can be nothing averr'd; for by the very import of the Thing it must have that Sense.

Collonel Sidney's Case, my Lord, you'll find to be the same: There's no Averment; but the Words of the Libel are brought in with

an Innuendo.

And you have another Indictment at Salop, 31 Car. 2. One Pitt was Indicted of High-Treason, and convicted for these Words, If the King should hang, or banish any of the Pa-' pists, his Throat should be cut. This is laid in the same Form in the Indictment, as we have it here in our Case. If you please it may be read that he did advisaté, proditorié, speak such and such Words if the King (meaning our Sovereign Lord the King, without any previous Discourse of the King, or saying it was spoken de Rege) should hang or banish any of the Papists (quasdam personas male dispositas &c. innuendo) his Throat should be cut. He was convicted (I fay) and I think was executed, tho' I cannot directly tell that: But this is the Record of his Conviction.

So I take it, it is (with Submission) that the Precedents go all along, both in Criminals that are not Capitals, in Indictments and Informations; and also in Indictments for High-

Treason,

Treason. The charging the Words to be spoken to Stir up Sedition and Rebellion within the Kingdom, without the help of any Averment whatsoever, is sufficient; that is a strong Implication that they are spoken of the King

and Government.

And my Lord, as to these Words they could not be laid otherways, then they are in this Indictment; for this is all that the Persons that are the Witnesses swore was Spoken. Your Lordship remembers it, it was so when they were here, they could fwear no more. So that to have averr'd that he spoke to them de Rege & Gubernatione, would have put a proof upon us that our Witnesses would not have come up to. We must have prov'd a Discourse of the King and Government, and a Swearing of the Words would not have been a Proof of that. The Jury has found that this was done to stir up Sedition and to levy War; therefore I conceive according to the constant course of the Precedents, there is no need of any Averment; but the Words are well laid and well prov'd; and he well convicted.

To say that Enemies is a very general Word, and that we have Enemies of all sorts, and that therefore a bare Innuendo cannot make it mean one more than another, is odd in this Case: For I would sain have any Man assign me what fort of Enemies he could be thought to mean in such a Discourse; he could not mean Spiritual Enemies; because the Instruments that they were to be destroy'd with,

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were carnal Weapons, broken Pitchers, and a Stone in a Sling. These are not fit for overcoming Spiritual Enemies; but they must be fuch Enemies as can be destroy'd by fuch Infruments; Carnal Enemies, that are to be vanquish'd by outward Force. And then what Enemies can fuch a publick, unlawful Affembly have but the Government? All that are of their own Side and Party, are none of their Enemies. And it cannot be taken distributively, that every particular Man has his Enemy, that's a very foreign Understanding: But when he spoke to the Congregation in a Conventicle, that they should overcome their Enemies, being fo unlawfully affembled, that must be the Government. And had he not told you before who were the Enemies that he plainly meant? He had faid that the King was a wicked Man; and according as he represented him, an Enemy to God and Man by introducing Popery into the Kingdom. And you are to confider the Time when, and the Place where these Words were spoken. We know that in these Conventicles, it has been the constant Cry, that we should be all over-run with Popery, and the like: And therefore that is considerable in the Case.

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My Lord, I make a great Difference between Words spoken in Private, and Words spoken in a great and large Assembly. It is the same Thing as if it had been spoken at the Head of an Army; especially when People meet contrary to the Laws of the Land in Defiance of the Government; and gather together in fuch great Multitudes; and have fuch Discourses and Opinions broach'd amongst them. I cannot fee truly how it is possible to have been better laid, being Sworn directly as it is laid; and especially being found to be all spoken to disturb the Government, and to raise Sedition and Rebellion. Therefore I must fubmit it to your Lordship; and pray your Judgment against the Prisoner for the King.

Mr. Sol. Gen. My Lord, I beg Leave to add one Word on the same Side. That which I shall apply my felf to, is to shew that this is a very good Indictment, in the Form of the Indictment, and that upon this Matter which the Prisoner is proceeded against; for it could

not be better.

My Lord, The Fact charged upon the Prifoner is as Mr. Attorney has open'd. Words were spoken in a Conventicle, The People make a flocking to the King to cure the King's-Evil, which he cannot do, &c. These are the Words upon which the Prisoner was committed: These are the Words upon which he is proceeded against; and These are the Words which have been found against him. And, my Lord, more Words than these are not alledg'd to be spoken by the Prisoner, nor proved to be spoken by him at his Trial upon this Indictment. Therefore if these Words are High-Treason, this is a good Indictment in Substance, if it prove so too in Form. And whether these Words are not themselves Treason,

Ishall not now speak, but shall only go to shew (as I said) that it is a good Indictment in Point of Form. For these Words are his Crime, as spoken in that Conventicle; and the only Crime of which he was accused, and of which

he is found guilty.

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Now, my Lord, let us see how the Indictment is. He is charged with compassing; imagining, and intending to raise Rebellion, and levy War in the Kingdom; and to depose the King; and to bring the King to Destruction: That is the Charge of High-Treason, in the Kind of it. Now, as that is the Charge, it is of absolute Necessity to alledge an Overt-Act. which must be proved too; and, if there be not an Overt-Act, the Indictment is naught. then, the Treason is compassing the Death of the King, and intending to raise Sedition, and levy War. What is the Overt-Act charg'd upon him? Why, To bring such his wicked Purposes to pass, he did traiterously speak, publish and utter [the Words of the Act of Parliament in 13 Car. 2.] in an unlawful Assembly. in the Presence of divers of the King's Subjects, these Words that I repeated before to your Lordship.

Now, my Lord, I ask; Are these Words Treason in themselves, or are they not? If they are Treason of themselves; then the Indictment is certainly good in Form, without saying, that he spoke the Words of the King, or of the People of England, Subjects of the King. For either they do import that of them-

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felves, or they do not. If they do import it of themselves, the saying that he did speak them of the King, and of the People, would have been impertinent and idle; because it is a thing manifestly plain of it self. If they do not import this of themselves; then had it been charged that they were spoken of the King and of

the People, this must have been proved.

To go on then, my Lord: If it must have been proved; it must have been proved either by the Words themselves, or by something else. If it were to be proved by the Words themselves; why then it returns to the old Question, and we need not alledge it. If it were to be proved by fomething elfe; then the Fault is not in the Indictment, but it must be want of other Matter than what our Witnesses would prove; which, I am fure, would have been a very great Fault in us to have drawn upon our felves. But if the Words import of themselves the Meaning to be of the King, and of the People of England; then it is plain they make the Treason of themselves, and there requires no Averment.

As now, for Instance, (my Lord) to change the Words a little, to illustrate the Case; as suppose it had been charged in the Indictment, that to bring his wicked Purposes forth to effect, he did speak these Words in such an Assembly, Procure to your selves Arms, and make your selves ready by such a Day, and go to Whitehall and kill the King; Would any Man have said here, that it was necessary that we should

should say in the Indictment that he dixit de Populo, vel de Rege, so and so? No certainly, it is not necessary, because the Words plainly

import their own Meaning.

So here in this Case; if the Words themselves necessarily import to be spoken of the King, it is as impertinent here to fay, dixit de Rege, dixit de Populo, as in that Case; because it is no more than what they necessarily and naturally import of themselves: Which shews that this Averment that they would have, is absolutely immaterial; and, if it had been charg'd, would have requir'd some other Proof than the Words themselves. And so the Fault cannot be, as they would alledge, in the Form of the Indictment; but in the Substance of the Words, that they do not import in themselves such a Meaning. And therefore, I think, (with Submission) I have maintain'd the Form of this Indictment, beyond all Contradiction; and, notwithstanding all their Objections, it is a very good Form without the Words, dixit de Rege, vel de Populo.

As Mr. Attorney said, it is necessary (my Lord) in Actions on the Case for Slander, to aver, dixit de quaerente, because he must ascertain the Person of whom the Words are spoken, to be the very Plaintiff; for there may be divers of the same Name: And you must always, upon a Record, ascertain the Person, to entitle the Plaintiff to the Action: But where Words are pregnant, and full of themselves, there needs no Averment in such

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a Cafe.

a Cafe; which, without fuch Pregnancy, would be necessary, and if not done the Action would fail. As in that Cafe that was cited by Mr. Attorney of Sir Miles Fleetwood; if it had been that the Words were, Sir Miles Fleetwood has deceived the King, it would not have born an Action, unless it had been averr'd to have been spoken of him as of couzening the King in his Office: Because generally to fay a Man has couzen'd the King will not bear an Action, it is so loose. But when he says Mr. Deceiver; the Ironicalness of that shall not excuse him, but rather demonstrate both who and what he meant; that it shall be apply'd to him as doing it in his Office. And, being fo, it must necessarily be understood to be a very great Slander, and then it needs no Averment.

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fays the Book. So that where Words are plain and full, even in an Action on the Case, there requires no Averment: But in Indictments, they being for Offences against the Government, the very ancient Forms used will govern the Case; as well as the Reason and Nature of the thing; that no one can be meant, by fuch fort of Words, but the King and the Government: And for that I rely upon the Precedents that have been cited, that the Forms were always The Precedent (with humble Submission) where the Overt-Act laid in the Indictment is by Words spoken, that it is faid, dixit de Domino Rege &c. there is not one that does ever carry it so, but the Forms are con**stantly**

stantly in the same Manner with this that is now before your Lordship, without such Averment, as carrying plain Surplusage, to averr

that which the Words necessarily import.

To fay, my Lord, in this Case (as we hear it objected on the other Side,) That these Forms pass'd sub Silentio, and no such Objection was ever made: I fay that is no Objection to our indictment; for the Argument fure turns the other way; because the Forms have been constantly in this Manner that our's is, therefore it is affign'd that what they offer is no Objection at all; for, doubtless, in fo long a tract of time, when fo many learned men fate on the Bench; and fo many Learned of the King's Council attended the King's . Courts, and fo many Persons have been indicted, Try'd, and Suffer'd upon fuch Indictments, who would have faved their Lives (no doubt) if they could, by making fuch Advantage of fuch an Exception; that is a strong Argument that it was never thought an Exception. So that, besides the Reason of the thing, the Precedents are all with us. which hath always been accounted a good Argument.

My Lord, a great many of us remember the Indictments of latter Times; particularly that of Colonel Sidney: Tho' there is another Overt-Act laid in that Indictment too, yet that is nothing to this Case. If there be but one Overt-Act laid in the Indictment, it must be proved by two Witnesses; but if there be

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feveral Overt-Acts laid in the Indictment, and one's proved by one Witness, and the other by another Witness, that is sufficient to maintain the Indictment. In Mr. Sidney's Case there was to one Fact but one Witness; and therefore it was necessary to lay another Overt-Act, which was proved by other Witnesses. And one Overt-Act comes to this Point that's now in Question before your Lordship. It is in this Form directly, without any Averment that the Words were spoke or written de Rege or de Regimine; but that the Book contain'd fo and so: And the Thing it self speaks it self of whom it was meant. If therefore the Words in that Case, being proved, were necessarily to be apply'd to the Government of England, there need no Averment: No more does there here.

My Lord, not to trouble your Lordship surther in so plain a Case; the Precedents being thus, and it being known to be the constant Practice in Point of Form; I would fain know what they would have had us done. The Witnesses swear these are the Words, and there are no more; How then can we frame a better Indictment than upon the Words that they swear were spoken? My Lord, we pray your Judgment for the King.

Lord Ch. Just. Well; have you done on both

Sides ?

Mr. Attorney. Yes, my Lord.

Lord Ch. Just. Truly for my part, I think this is a Case of great Consequence on the one Side;

Side; and on the other. I hear its faid there are Abundance of Precedents in the Case; fome have been mention'd; and it is necessary we should look upon these Precedents before we deliver any absolute Opinion. But truly I must say, Mr. Attorney's Precedents have with me very little weight. And I must differ from Mr. Attorney in another Thing: For if in cafe the last Words were out of the Case, of standing to their Principles, and overcoming their Enemies, Do you think, that because it is said in the fore-part of the Indicament, that he intended the Death of the King, and to raise the Rebellion, and therefore faid, there were two wicked Kings who suffer'd Popery under their Noses, and were to be liken'd to Jeroboam; that that would be a good Indictment for High-Treason? Then it were plain the Act of Parliament, 13. Car. 2. was made to no Purpose. For tho' I doubt not in the least, Words may be an Overt-Act of High-Treason, in compassing the Death of the King, upon the Stat. of 25 Ed. 3. I make no difficulty in the World of that: So was my Lord Cobham's Case; and so were the Cases in Harry the Eighth's Time, 'We will drive the King out of England, or any thing of that Nature: I fay that would be an Overt-Act sufficient to bring a Man within the compass of the Statute of 25 Ed. 3. because those are express Words tending to the death and destruction of the King, and the deposing him and depriving him; and they call him the King. But if a Man comes and fays, That fuch a one X 4 with

with a Purpose and Intent to destroy the King, faid these Words, That the King could not cure the King's Evil; that's not fuch an Overt-Act, as to make good an Indictment of High-Treason. And to say that the King introduces Popery under his Nose into the Kingdom; why it's a very high Crime; but it is prescribed by the Act of Parliament to be profecuted only as a Misdemeanour, and punished by Praemunire. If you look into that Statute, you will find which Way the Words shall have a Tendency that are to convict a man of Treason; that is, that tend to the Imprisonment, bodily harm, death or destruction of the King; or raifing Infurrection and Rebellion; or levying War within the Kingdom, that is High-Treason. But Words that do not necessarily tend to any fuch thing; as to fay the King is a Papist, introduces Popery, is Popishly affected; Phrases that some People delight in; that has a peculiar Punishment appointed to it by this A&. And this is all taken Care of, to shew the Judges how they should proceed, being careful of leaving it loose in so great a Case as High-Treason. And the Parliament seems to be the more careful in it; because they make the treasonable Words such an Offence during the King's Life only. Now as Mr. Sollicitor puts the Case by way of Illustration in other Words; I make no difficulty, but to bid men prepare Arms, and go to White-hall, and kill the King, would be rank down-right Treafon. Would any man in the world doubt to averr,

averr, that that were an Overt-Act? no man living would. But if I will fay, that to compass and imagine the King's Death, he bid them rife up and go to White-hall and they should overcome their Enemies, does that import the King? There's no necessity of that. The King cannot be faid to be an Enemy, unless it be plainly declar'd by the Party himself who he meant. And then to fay, how could it be made better? No doubt of it, it might easily be made better if it had been consider'd of. For if you had come and averr'd, that thefe Words were spoken concerning the King, and the People of England, certainly it would have made it more certain. I don't bind my felf now in my Opinion, by what I now tell you; but I am only breaking the matter. If you had faid, that he faid, If we will stand to our Principles, we shall destroy them, I think it had made the Case stronger ten times; but you have not fo done. Indeed I am not fo fond in my Imagination as the Council for the Prisoner seem to be; That we have had two wicked Kings together, who have Suffered Popery to come under their Noses; that therefore we must run it up to King Ethelbert, and I don't know who; no, that plainly in common English speaking, means two Kings successively; and it must be made a strange, forc'd Construction, if we should interpret it that he did not speak these Words of the late blessed Martyr and his present Majesty. And because Enemies is in the Plural Number therefore to make it Nonsense, because

because one is destroy'd, (if the Words had been well laid as they might) therefore it could have no relation to him that was left, (I fay) would make a strange forc'd Construction. That might be well enough if the Words had been properly laid. But when you come to fpeak of Enemies, innuendo the King and his Subjects; how can that possibly be? For you had talk'd of no body before that they are faid to have a displeasure to; and therefore without faying that the King is an Enemy to fay, Stand to your Principles, and you shall destroy your Enemies, Innuendo, The King, is I doubt to stretch it a little too far. But whereas I have put the Words how I think they should have been laid; fays Mr. Sollicitor the Truth is, they were not fo spoken as you would have them laid; but they are laid as they were spoken, and as they were fworn; and that's a Point of Fact to be left to the Jury, whether they aim'd at the King and Government, or not. Do you think that an Answer? for it would be the same argument in an Action of the Case for Words? Where it's plain it must be dixit de quaerente, you do so, and so. My Declaration must averr it, and I must prove it too. If I do not fay it, tho' I prove it, that won't maintain the Action; If I do fay it, and not prove it, it will not maintain the Declaration; all's naught: And what is there more in this Case? If you had said it, that would have directed the Jury plainly upon finding the Words as laid in the Indictment, to have found what

what was the Intention of the Party by these Words. These are things (I must confess) that wonderfully weigh with me. It is in a Case of a capital Offence, where the Life of a Man is concern'd. If the Precedents have all gone so, there is some weight in that: But if the Precedents be only such as you have spoken of, Words directly telling who is meant; they have no manner of likeness to the Words in this Indictment; because there they could

never import any thing elfe.

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In the next place, I am stumbled at another thing, Mr. Attorney; and that is, the difference of the Persons in one part of the Words, and t'other. You have begun in the first Person Plural; We have had two wicked Kings together; and as the Latin Words are, Nos habuimus nune duos iniquos Reges in simul; but afterwards you say, and if they, Ipsi, will stand to their Principles, he did not doubt but they should overcome their Enemies. It had been best to have laid them, as (certainly in common understanding) they must be believed to be spoken; if you or we, will stand to our Principles; and then the very Innuendo would have been more sensible and applicable.

Mr. Sollicitor. But my Lord, it was fworn

fo by the Witnesses, that he said, If they.

Lord Ch. Just. The Words say he Preached, We have had, that is he, and the Congregation assembled; and then it is afterwards turn'd to they. I make no difficulty in the World, but that we have had two wicked Kings together, was intended

intended of the late King and this; and if it had been alledg'd, That afterwards he had faid, We shall overcome them, and a Jury had found that these Words were spoken with such an Intention as is laid in the Indictment it would have been Treason. But both in Grammar and Reason, when you come to say, and sipsi &c. Pray to whom should that relate? What's the English of ipsi? Is it we or they? If it be they, in the third Person, there are no third Persons spoken of, but the two Kings; and they are the last Antecedent. For my part, it does stumble me, it is a Thing of great confideration. I speak not, as I said, to bind my felf in Opinion; but I think if ye had put the Words Nos instead of Ipsi, it had come nearer to the Understanding of Men, both in Grammar and Sense. For I exclude my self, and them I speak to, if I put it in the third Perfon; and your Innuendo (I faid) can no way help it.

Mr. Att. Gen. Truly, my Lord, I did not think, that that did rest upon your Lordship

at all as any Objection.

Lord Ch. Just. It does rest, I assure you,

Mr. Attorney.

Mr. Sol. Gen. If we had done otherways, we should not have laid it as the Truth is; and the Latin does not alter the Case; for the Word spoken was they.

Lord Ch. Just. Ay; but certainly he faid (no doubt) You or We; if you will stand to your

Principles; it's Nonsense else.

Mr. Sol. Gen. My Lord, I take that to be well enough; for here are three Sentences. The first is, That the People make a flocking to the King &c. Quod populus &c. The next is, Quod nos habuimus &c. And then the third is, Quod si ipsi. Now Quod governs the particular Sentence; and it being a particular Sentence by it self (with humble Submission) it is good in Grammar and in Sense too.

Lord Ch. Just. Suppose you were to speak it in English. Mr. Sollicitor, suppose you were to speak it, Now we have had two wicked Kings together, who have suffered Popery to come in under their Noses, (meaning, the late King and this) there perhaps the Innuendo is sensible, and no doubt of it, then he must mean them: But to say, If they will stand to their Principles, they shall overcome their Enemies; Pray to whom

does that they relate?

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Mr. Soll. Gen. My Lord, with humble Submission, you put the Case of an entire Speech,
made in the Person of the Preacher and the
Congregation; and as the Words were spoken
all at one time. I would make it an entire
Speech too; but it seems to be several Sentences, and therefore that differs the Case. For
taking it that these are three distinct Sentences, they might be spoken in a several
manner by varying the Person, and so they
were Sworn. And suppose he had only spoke
the last Words; an Indictment for this in the
third Person had been a good Indictment:
And if it had been charged in that Case Quod
dixit

dixit & asseruit quod si ipsi &c. and then in Evidence come and prove these Words; would

not that have been good?

Lord Ch. Just. Truly, I think, Mr. Sollicitor, if the Indictment for these last Words alone, had been in the third Person, it is a Question whether that might have been a good Indictment, if you had come in Evidence, and proved, that he had said of the King and Government, If you will stand to your Principles, you shall overcome your Enemies. Tho' I deliver no absolute Opinion of that; because there ought (I think) to have been an Averment, that they were spoken of the King and the People.

Mr. Soll. Gen. In an entire Speech, (my Lord) there the Relative must be apply'd to the last

Antecedent, according to Grammar.

Lord Ch. Just. And I think it must be taken to be an entire Speech; and you lay it in the Indictment to be so; and then the Relative must go to the last Antecedent; or else Dr. Busty (that so long rul'd in Westminster-School) taught me quite wrong; and who had try'd most of the Grammars extant; and used to lay down that as a positive rule in Grammar, that the Relative must refer to the next Antecedent.

Mr. Just. Withins. Mr. Sollicitor, If you make it feveral Speeches, then it's ten times worse; for then the latter Part is so uncertain without an Averment of whom the Words were spoken, that sure it can never be made good.

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Mr. Sol. Gen. Suppose it had been Ulterius dixit; would that have made it a distinct Sentence? If it would, our Proof it may be was, that it was an entire Speech; but yet consisting of several Sentences, and must have the common understanding as to their relation one to another.

Mr. Attor.Gen. This Objection of quod ipsi &c. was not moved by the Prisoner at the Bar; and therefore we did not expect to speak to it.

Lord Ch. Just. It is started here now by the Council. And it is a Question truly with me, whether this can be any way sensibly apply'd, as you would have it. Surely the Innuendo can never make it good.

Mr. Attor. Gen. My Lord, I say sling all the Innuendos out of Doors; the Words in them-

felves will do it.

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Lord Ch. Just. Why then we must see whether it be a good Indictment in point of Form, or rather in Point of Substance, as you have laid these Words; without saying they were spoken de Rege. It is a Question of great Weight and Concernment, both to the King and to the Prisoner; and therefore we must take good time to consider of it before we deliver a set-led Opinion. But, Mr. Sollicitor, You very well remember that Staley's Case was otherways. For, tho' the Words were, the King of England is a Tyrant &c. yet there it is said, and expressly averr'd that he spoke the Words de Rege.

Lord Ch. Just. Certainly (Mr. Attorney-General) that Case comes not up to this. Where the Words import in themselves that the King is meant; or any way circumstantially; it does necessarily imply they could be meant of no one else; and that would be good without the Averment: Which was the Case of Colonel Sidney, where the Matter declar'd in the Libel was plainly down-right relating to the Government, that if he did so and so he must renounce his Crown, and the like. How can that be apply'd to any but the King? The People of England have committed the Kingdom to his Power, &c. Why, how can it be interpreted that any Body else is meant?

Mr. Att. Gen. When will your Lordship please

to give Judgment?

Lord Ch. Just. Mr. Attorney, we will consider of it. It is usual, in Cases of less Difficulty than this, to take Time of Consideration. I do not say, but that looking upon the Precedents perhaps I may alter my Opinion; and therefore do not speak this to bind my self: But we will consider of it.

Mr. Att. Gen. I look upon it that the Government is greatly concern'd in this Matter; more than Ten such as the Prisoner at the Bar.

Lord Ch. Just. It is true (Mr. Attorney) the Government is greatly concern'd; and the Prifoner is greatly concern'd, for his All is at Stake. I do say a good Indictment might have been made, I am sure.

Mr. Sol. This is the best we could make; for we had no Proof to make out any Averment, because these were all the Words he

faid.

Mr. At. Gen. After the Jury have found the Words as laid in the Indictment, was it ever ask'd of a Jury; These Words were spoken of the King, or they were not; but you have not said that they are spoken of the King, for it is not laid in the Indictment? Would that ever vitiate the Verdict?

Lord Ch. Just. Mr. Sollicitor, Pray, would you have us give Judgment, That the Jury could not find that the Words were spoken of the King?

Mr. Pollexfen. The Jury have not found that they were spoken of the King; for there is

no fuch thing averr'd.

Mr. At. Gen. Nor they have not found them to be not spoken of the King: But they have found them to be spoken to stir up Sedition.

Mr. Sollicitor. We are never bound by Law to averr that that we cannot prove. And therefore I put all upon that Dilemma: Either the Words import of themselves to be spoken of the King, or they do not. If they do not; if we had said, dixit de Domino Rege, it must have

have been proved; and that would have been to have left it to the Jury whom he did mean. And if they be not felf-evident, God forbid the Jury should be charged to find such a Meaning; but, if they are felf-evident, they need no Averment.

Mr. Just. Holloway. Truly, we think it may be good Evidence to a Jury; and it is every Day done in Cases of Actions for Words. left to the Jury to consider whether he meant the Plaintiff, John-a-Stiles, or any other: And the Evidence is help'd by this or that Circumstance, where the Words do not naturally im-

port it.

Mr. Just. Walcot. I do think that the Averment that these Words were spoken of the King, is a Point of Fact that ought to be averr'd, and proved. Might not the Jury, in this Case, have found that they were not spoken of the King? If they had found that, why, they would have acquitted him; if they had found they were, and you had not alledg'd it, why then they had found more than the Indictment would lead them to.

Lord Ch. Just. Well, this is only by way of Discourse; not that we bind our selves by our present Opinion. We must look upon it. We will not give our Judgment suddenly in a Case

of this Nature.

Mr. North. Will your Lordship please to spare me one Word?

Lord. Ch. Just. Ay, Sir; let every Man be heard, in God's Name.

Mr. North.

Mr. North. My Lord, as to this Objection; quod ipsi relates to the two wicked Kings spoken of just before; that cannot be: For you take Notice that these Words of the two wicked Kings relate to the late King, and to the present, as the Indictment says. One of the Kings is dead; so that you cannot understand it to be of the two Kings, that should overcome their Enemies; and therefore it must be the People. This Populus being a Noun of Multitude, and taken in the Plural Number, Ipsi will very well relate to it.

Lord Ch. Just. Mr. North, The Argument

Lord Ch. Just. Mr. North, The Argument turns both Ways upon that; and certainly he did not express himself after that rate. It is so loose a hung-together Indictment as truly I have scarce seen. For my Part, I would know how it comes to pass, that we should not have as much Certainty in Indictments, as

we have in Actions upon the Cafe.

Mr. Att. Gen. My Lord, there must be Certainty in all Cases; and we think there is Certainty enough in this for your Lordship to

give Judgment upon.

Lord Ch. Just. Mr. Attorney, I believe if you fate in our Places you would not think so. All our Books require greater Certainties in Indictments than in Actions on the Case: Nay, in Causes of this Nature, we are bound, by our Law-Books, to be of Council for the Prisoner; which we are not in Civil Causes, where the Prisoner may chuse his own Council. And we have not one Act of Parliament

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to help the defect of forming Indictments, as we have in Civil Actions; but still in all the Statutes made in Jeofeils, there is an Exception of capital Offences, to shew that our Ancestors would not help Uncertainties or Infufficiencies in Form, where the Life of a Man was concern'd. This feems to carry a great Confideration with it.

Mr. Att. Gen. My Lord, I was very willing and desirous your Lordship should assign the Prisoner this Learned Council; because we did suppose they would have produced some Precedents of a better Form than this: But they have cited none.

Lord Ch. Just. And you have cited never fuch another Case as this, Mr. Attorney. And if we can find no other like Case, we must

be govern'd by the Reason of the Thing.

Mr. Att. Gen. My Lord, we hope you will expedite it, for the fake of the Government.

Lord Ch. Just. Certainly, I think, it is very uncertain who are meant by Enemies 5 it may be Mr. Sollicitor; Mr. Attorney; it may be the Court; no Body knows who it is: For every Body knows, that to Preachers in Conventicles, and to those that meet there, the Judges, and all that are for the Support of the Laws, may be reckon'd to them as Enemies. But when it is so uncertain who are meant, how can we fupply it by fuch an Innuendo? That there might have been a good Indictment fram'd upon fuch Words as thefe, as he in all Probability spoke them; and he justly found guilty,

guilty, is no Question with me at all. And (as I faid the other Day, for the fake of the Auditory) if he be guilty of speaking such Words, and of Treason in speaking them; what will they be guilty of that were present, and heard the Words spoken? They may thank God that we have a gracious King, that does not take all the Advantages the Law gives him against those that break his Laws.

Mr. Sol. Gen. My Lord, your Lordship was pleased to mention Staley's Case to me. As I do remember it, it is not as your Lordship says: But it is, That be, to perfect his wicked Treason, (speaking of the King) said so and so. Now, if an Averment be necessary, this is a naughty Averment; for it is not politively averr'd that

he did speak of the King.

Lord Ch. Fust. Well, we will look upon it. And I would ask you, Mr. Sollicitor, Whether if he faid, (as it is most likely he did,) If you will stand to your Principles; and you put it in (i Ipsi, whether that would be good?

Mr. Sol. Gen. My Lord, we put it in as the

Witnesses swore it.

Lord Ch. Just. They did swear the Words according to their Apprehension; but, no doubt of it, in common Form he must speak them as I fay.

Mr. Att. Gen. They swore the Words so;

and we could lay them no otherways.

Lord Ch. Just. Well, Mr. Attorney, will you move any thing?

Mr. Att. Gen. No, my Lord.

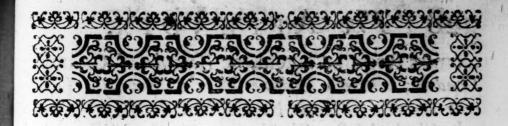
Lord

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Lord Ch. Just. Then we will consider of it. And take you back the Prisoner; and you shall have a Rule of Court to bring him, when the Court is ready for Judgment.

Then the Prisoner was carried back to the King's-Bench; and no Judgment was given that Term: But the next Term Mr. Rosewell pleaded the King's Pardon at the Bar of the Court of King's-Bench; and was Discharged.





THE

APPENDIX.

The RECORD &c.

[Inter Placita Regis.]

Placita coram Domino Rege apud Westmonaster' de Termino Sancti Michaelis Anno Regni Domini Caroli Secundi, nunc Regis Angliae &c. Tricesimo Sexto.



Surry J. LIAS, scil. die Martis, feil. septimo die Octobris, Anno Regni Domini nostri Caroli Secundi, Dei Gratia, Angliae, Scotiae, Franciae, & Hiberniae Re-

gis, Fidei Defens' &c. Tricesimo sexto. Per quandam Inquisitionem capt' pro Serenissimo Domino Rege apud Kingston super Thames?, in Comitatu Surr', coram Georgio Com' Berkley; Francisco Wythens Mil', un' Justic' dicti Domini Regis ad placita coram ipso Rege tenend' assign'; Thoma Jenner Mil', un' Servien' dicti

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Domini Regis ad legem, ac Recordator' Civitat' London; Adamo Browne Barr'; Francisco Vincent Barr'; Edvardo Evelin Mil' & Barr'; Jacobo Clarke Mil'; Christophero Buckle Mil'; Ricardo Heath, Servien' ad Legem; Petro Rich & Stephano Harvey Arm', Justic' dicti Domini Regis, per Literas patentes ipsius Domini Regis eisdem Justic' praenominat', ac quibuscunque tribus vel pluribus eorum, sub magno Sigillo dicti Domini Regis Angliae confect', ad inquirend' per sacramentum proborum & legalium Hominum Com' praedict', ac aliis viis, modis & mediis quibus melius sciverint aut poterint, tam infra Libertat' quam extra, per quos Rei veritas melius sciri poterit, de quibuscunque Proditionibus, Misprisionibus Proditionum, Infurrectionibus, Rebellionibus, Contrafacturis, Tonsur', Lotur', falsis Fabricationibus, & aliis falsitat' Monetæ hujus Regni Angliae, ac aliorum Regnorum, sive Dominior' quorumcunque; ac de quibuscunque Murdris, Feloniis, Homicid', Interfectionibus, Burglar', Raptibus Mulierum, Congregationibus ac Conventiclis illicitis, Verborum prolationibus, Coadunationibus, Misprisionibus, Confederationibus, falsis Allegantiis, Transgressionibus, Riot', Rout', Retentionibus, Escapiis, Contempt', Falsitat', Negligent', Conceleament', Manutenent', Oppressionibus, Cambipartiis, Deceptionibus, ac aliis malefactis, Offens' & Injur' quibuscunque; nec-non Accessar' eorumdem, infra Com' praedict', tam infra Libertat' quam extra; per quoscunque & qualitercunque

que habit', fact', perpetrat', sive commissa; & per quos vel per quem; cui vel quibus; quando, qualiter, & quomodo. Ac de aliis Articulis & Circumstantiis, Praemissa & eorum aliquod, vel aliqua, qualitercunque concern'; plenius veritat', & ad easdem Proditiones, & alia praemissa, audiend' & examinand' assign', secundum Legem & Consuetud' Regni dicti Domini Regis Angliae, per sacramentum duodecim Jur', proborum & legalium hominum Com' praedict', qui ad tunc & ibidem jurat' & onerat' existen' ad inquirend' pro dicto Domino Rege, & Corpore Com' praedict' extitit' praesentat'. Surr. s. Juratores &c.

[The whole Indictment follows: But it is omitted here, because the Reader may turn to it in the Trial, p. 10, 11, 12, 13.]

Quod quidem Indicamentum Dominus Rex nunc coram eo postea certis de causis venire secit terminand' &c. PER QUOD præcept' suit Vic' Com' praedict' non omitt' &c. quin caperet eum si &c. ad respondend' &c. ET MODO, sct' die Jovis prox' post tres septimanas Sancti Michaelis isto eodem Termino, coram Domino Rege apud Westm' venit praedict' Thomas Rosewell, sub custod' Custod' Prison' de le Gatehouse Westm', in cujus custod' praeantea ex causa praedict' commiss' fuit, virtute Brevis dicti Domini Regis de Habeas Corpus, ad subjiciend' & recipiend' ad barram hic duct' in propria person' sua, qui committitur Marr'

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&c. Et statim de Praemissis ei superius imposit', alloquunt' qualit' se velit inde acquietari. Dicit quod ipse in nullo est inde culpabilis; & inde de bono & malo ponit se super Patriam. Ideo ven' inde Jur' coram dicto Domino Rege apud Westm' die Martis in Octab' Sancti Martini per quos &c. Et qui &c. ad recogn' &c. quia &c. Idem dies dat' est praefat' Thomae Rosewell sub custod' praesat' Custodis Prison' de le Gatehouse Westm' iterum commiss' salvo custodiend' quousque &c. Ad quem quidem diem Martis in Octab' sancti Martini coram Domino Rege apud Westm' venit praedict' Thomas Rosewell sub custod' praesat' Custod' Prison' de le Gatehouse Westm' praedict', virtute Brevis Domini Regis de habeas Corpus, ad subjiciend' &c. ad barram hic duct' in propria persona sua, qui committitur Marr' &c. Et Jur' praedict' per Vic' Com' praedict' ad hoc impanellat' exact' ven' qui ad veritatem de Praemissis dicend' elect' triat' & Jurat', dicunt super sacramentum suum quod praedict'Thomas Rosewell est culpabilis de alta proditione praedict' in Indicam' praedict' specificat' modo & forma, prout per Indicament' praedict' fuperius versus eum supponitur. Et quod idem Thomas Rosewell tempore perpetrationis altae proditionis praedict', seu unquam postea, nulla habuit bona, seu catella, terras, sive tenamenta, ad Notitiam Jur' praedict'. Et quia Curia dicti Domini Regis hic de Judic' suo inde reddend' nondum advisatur, dies inde dat' est praefat' Thomae Rosewell in statu quo nunc &c. usque diem Mercur' prox' post Octab. Purificationis beatae Mariae Virginis coram Domino Rege ubi-

ubicunque &c. de judic' suo inde reddend' &c. ANTE quem diem dictus Dominus Carolus secundus Rex Angliae &c. diem suum clausit extremum; & Dominus Jacobus secundus super se suscepit gubernationem hujus Regni Angliae. ET MODO, scilicet die Mercur. prox. post. octab' Purificationis beatae Mariae Virginis, isto eodem Termino coram Domino Rege apud Westm' venit praedict' Thomas Rosewell in propria persona sua, sub custod' praesat' Custodis Prison' de le Gatebouse Westm' praedict', & alloquunt' ei si quid pro se habeat vel dicere sciat quare Curia hic ad judic' fuper Indicament' praedict' procedere non debeat. DICIT quod dictus Dominus Carolus secundus Dei Gratia Angliae, Scotiae, Franciae & Hiberniae nuper Rex, Fidei Defensor &c. per Literas suas patent' sub magno sigillo suo Angliae sigillat' geren' dat' apud Westm' vicessimo octavo die Januar', anno Regni sui tricesimo sexto, de gratia sua speciali, ac ex certa scientia & mero motu suis, PARDONAVIT, remisit & relaxavit, ac per easdem Literas patentes, pro fe, Haered' & Successor' suis, pardonabat, remittebat & relaxabat eidem Thomae Rosewell, per Nomen Thomae Rosewell nuper de paroch' de Redriffe in Com' Surr' Clerico, seu quocunque alio nomine, vel cognomine, seu additione nominis vel cognominis, aut Loci, idem Thomas Rosewell sciatur, censeatur, vocetur sive nuncupetur; aut nuper sciebatur, censebatur, vocabatur five nuncupabatur, OMNES proditiones quascunque unde praesat' Thomas Rosewell in

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Termino Sancti Michaelis jam ult' elapf' in Curia dicti nuper Regis, coram ipfo Rege apud Westm' tent', convict', five attinct' fuit; ac omnia & fingula Indicament', Judicia, Convictiones, Condempnationes, Executiones, Imprisonament', Punitiones, & omnes alias paenas & paenalitat' quaecunque super, vel versus ipsum Thomam Rosewell de, pro, five concernen' Praemissis, seu eorum aliquo habit', fact', reddit' sive adjudicat', aut in posterum habend', reddend', faciend' five adjudicand': nec non omnia & singula Utlagar' versus dictum Thomam Rosewell, ratione seu occasione Praemissorum, feu eorum aliquor' vel alicujus, promulgat' five in posterum promulgand'; ac omn' & omnimod' fect, quaerel', forisfactur, impetitiones & demand'quaecunque quae dictus nuper Rex versus ipsum ratione Praemissorum seu eorum alicujus habuit, habet, seu in suturo habere pote-rit', aut Haered' seu successores dicti nuper Regis ullo modo habere poterint in futuro; fectamque Pacis ipsius nuper Regis quae ipsum nuper Regem versus praefat'. Thomam Rosewell pertinet seu pertinere poterit, ratione praemissorum, seu eorum aliquor' vel alicujus. Et firmam Pacem dicti nuper Regis ei inde dabat & concedebat per easdem Literas patent'. Nolens quod idem Thomas Rosewell per Vicecomites, Justic', Ballivos, aut alios ministros ipsius nuper Regis, Haered' seu successor' fuorum, occasione Praemissor: seu eorum alicujus, molestetur, occ'onetur, perturbetur, seu in aliquo gravetur. Volens quod eaedem Literae

terae suae patent' quoad omnia & singula praemissa superius mentionat', bon', firm', valid', sufficient', & effectual' in lege sint & erint. licet Crimina & Offens' praedict' minus certe specificat' existunt' Quodque Pardonatio illa in omnibus Cur' dicti nuper Regis, & alibi, interpretetur & adjudicetur in beneficentissimo sensu pro firmiori exoneratione praefat' Thomae Rosewell; ac etiam placitetur & allocetur in omnibus Cur' dicti nuper Regis, absque aliquo Brevi de allocatione in ea parte prius obtent' sive obtinend'; non obstant' statut' in Parliamento, anno Regni dicti nuper Regis decimo tertio' fact' & edit': Et non obstante aliquo defect' aut aliquibus defectibus in eisdem Literis patent' content' aut aliquo alio statut', Actu, Ordinatione, Provisione, Proclamatione, sive Restrictione, aut aliqua alia re, causa, vel materia quacunque in contrar' inde in aliquo non obstant'. Ita tamen quod dictus Thomas Rosewell tal' bon' & fuffic' fecuritat' de se bene gerend' a Dat' Literar. patent' praedict' erga dictum nuper Regem, Haered' & fuccessores suos, & cunctum populum suum inveniat, qual' appunctuat' & limitat' erit per Capital' Justic' de Cur' praedict' pro tempore existen'. Et idem Thomas Rosewell profert hic in Cur' Literas patentes praemissa testificantes in haec verba.

The Pardon follows as tis recited in the Life.

SUPER,

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SUPER quo Vis' & per Cur'hic intellect' omnibus & fingulis praemiss, cons' est per Cur'hic quod praedict' Thomas Rosewell (sub conditione mentionat' in Literis patent' superius recitat') de altis proditionibus praedict' in Indicament' praedict' superius specificat' exoneretur; & eat inde sine die.





MODERN REPORTS.

Part III. Page 52 &c.

Mich. 36 Car. II. in Banco Regis, 1684. Rex versus Rosewell.

T

HE Defendant was a Nonconformist Minister; and Indicted for High-Treason, in Preaching of these Words, viz. Why do the People (innuendo, the People of England) make

a flocking to the King (innuendo Carolum secundum) under pretence of curing the King's Evil, which the King cannot do? But we are the Priests and Prophets to whom they ought to flock, who by our Prayers can heal them.

We have had two wicked Kings now together (innuendo Carolum Primum, & Carolum Secundum) who have suffered Popery to be introduced under their Noses; whom I can liken to none but wicked Jeroboam. And if they (innuendo The People &c.) would stand to their Principles, I make no doubt but to Conquer our Enemies, (innuendo The King and all his Loyal Subjects) with Rams horns, broken Pitchers, and a Stone in a Sling, as in the time of old. Upon

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Upon this Indictment he was Arraigned, and pleaded not Guilty; and was Tried at the Bar; and found Guilty of High-Treason upon the Evidence of two Women. And the Court having assigned Mr. Wallop, Mr. Pollexsen, and Mr. Bampfeild to be his Council, they moved

in Arrest of Judgment,

First, That the Words discharged of the Innuendos, if taken separate, or all together, have no tendency to Treason. The first Paragraph doth not import any Crime. And to say that we have had two wicked Kings, may be a Misdemeanor, but it is not Treason, either by intendment of the Death of the King, or by levying War against him.

The Crime seems to consist in the next Words, which are, (if they would stand to their Principles &c.) this seems to stir up the People to Rebellion: But as they are placed in the Indictment, they will not admit of such a Construction; neither as they have reference to the Words precedent, or as they stand by

themselves.

The Words which go before are, Viz. We have had two wicked Kings together. 'Tis not expressed what Kings or when they reigned; which is very uncertain. Et si ipsi ad fundamentalia sua starent; which Word ipsi is relative, and must refer ad proximum antecedens, and then it must be ipsi Reges; which is the proper and natural Sense of the Words.

But now if the Innuendos must be incerted, it must be under some Authority of Law,

either

either to design the Person or the 2 Co. 17. Thing, which was not certain before; that the intention of the Party speaking may there be more easily collected; and this is the most proper Office of an Innuendo.

It will not change the meaning of the Words, for that is to make them still more incertain,

Hob. 45. 2 Cro. 126.

Now most of the Innuendos of this Indictment are naught; because they do not ascer-

tain the subject Matter.

First, By the word People (innuendo the People of England) may be as well intended any other People, because there was no previous

Discourse of the People of England.

Then follow these Words, We have had two wicked Kings now together, (innuendo King Charles the First and Second) which may be as well intended of King Etheldred and Alfred; because the Words denote a Time past; and therefore cannot possibly intend the King, of whom there was no precedent Discourse. And the Rule is, De dubiis & generalibus, benignior Sententia recipienda est.

Besides these Words are insensible, and indeed impossible; for we cannot have two wicked Kings together: It ought to be suc-

ceffively.

Then to say we shall Conquer our Enemies, cannot be intended the Enemies of the King, because the word Enemies is of a large Sense: For Man, by reason of his Sins and Infirmities hath many Enemies; and possibly such might be intended.

If therefore it be doubtful what Enemies were meant, if it shall not be in the Power of a Clerk, by an Innuendo to make Words of another Sense than what they will naturally bear, nor to help where they are insensible, as in this Case: If there was no precedent Discourse either of Kings, People, or Enemies; which must be proved by the Evidence; then is this Indistment naught; and therefore Judgment ought to be Arrested.

Mr. Attorney and Sollicitor contra.

'Tis laid in this Indictment, that the Words were fpoken to stir up Rebellion, and to depose the King; and 'tis so sound by the Verdict of Twelve Men.

That which aggravates the Offence is, that it was spoken in a Publick Assembly to the People, which must be intended the People of England; for to such the Desendant preached; and to them he declared the Power given unto him by God, to heal them by Prayer. Then he tells them, that their King is Wicked; and having insinuated this Doctrine into their Minds, he then bids them stand to their Principles in opposing and subduing wicked Kings.

'Tis objected that there ought to have been a precedent Discourse of the King; but the

Precedents are otherwife.

In 33 H. 8. Rot. 17. There was an Indictment against the Lord Grey, for Words spoken against the King, without setting forth any precedent Discourse of him.

So was my Lord Cobham's Case, in 12 Jac. for that he Proditorié dixit & propalavit hat verba, Viz. It will never be well for England until the King and his Cubbs are killed; without an Averment, that the Words were spoken de Rege.

And in William's Case, reported by my Lord Rolls, who was Indicted for 2 Roll. Rep. 88.

High - Treason, for writing two Books, in which were many traiterous Assertions, but no Averment of any previous Discourse concerning the King. All these Indicaments were thus, Viz. Dixit such Words de Domino Rege.

Therefore the Indictment is good in Form, if the Words therein contained amount to Treafon. Now they do import Treafon, or not. If they do import it, then 'tis unnecessary to averr that they were spoken de Rege; because it cannot be intended to be Treason against any other King.

If a Man should say he would go to Whitehall and kill the King, 'tis not Necessary to

averr any precedent Discourse de Rege.

In Actions on the Case for Words, there must be an Averment of the Person, because many Men are of the same Name; but in Indictments the Form will govern the Case.

Several Traitors have fuffered Death in such Cases as this at the Bar; and many Learned Men in all Ages have attended this Court; and this Objection was never made 'till now: And therefore the Precedents being without this

Aver-

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Averment de Rege, where the Overt-Act is by Words; Judgment was prayed against the Prisoner.

Curia. Words may be an Overt-Act, but then they must be so certain and positive, as plainly to denote the Intention of the Speaker.

If a Man should tell another, that he would drive the King out of England; there needs no Averment that such Words were spoken de Rege, because they tend immediately to depose the King; but if he had said he would go to White-hall and destroy his Enemies; that is not Treason without Averment, &c. [Judgment was Arrested.]

FINIS.

